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JOURNAL c2

OF THE

HOUSE OF DELEGATES

OF

VIRGINIA.

SESSION OF 1848-49.

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JOURNAL
OF THE
HOUSE OF DELEGATES
OF
VIRGINIA.

MONDAY, DECEMBER 4, 1848.

A majority of the members of the house of delegates having qualified according to the constitution, appeared in their seats.

On motion of Mr. CLENDENIN, GEORGE W. MUNFORD was unanimously appointed clerk.

On motion of Mr. STOVALL, the house proceeded to the election of a speaker. He then nominated *Henry L. Hopkins, Esq.*, the delegate from the county of Powhatan, and the names of the members being called by the clerk, *Mr. Hopkins* received the unanimous vote of those present, as follows:

Messrs. Finney, Nock, Hart, Watson, Smith, Layne of Alleghany, Boisseau, Powell, Cheatham, Sheffey, M'Cue, Byrd, Mitchell, Burwell, Faulkner, Boak, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moore, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Vaughan, Segar, Clarke, Thomas, Scott, Rector, Howard of Floyd, Stillman, Edwards, Wood, Sydnor, Baily, Clopton, Carroll, Maclin of Greenvsille, Stovall, Major, Allen, Hiatt, Darracott, Welton, Bassel, Lancaster, Mullins, Boykin, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Houser, Tomlin, Webb, Lane of Lee, Ferguson, Harrison of Loudohn, White, Beard, Harris, Edmondson, Newman, Arnett, M'Daniel, Clendenin, Coleman, Whittle, Tanzey, Beirne of Monroe, Barnett, Gustin, Perrow, Robinson, Butt, Cowper, Yerby, Basye, Booth, Pannell, Buswell, Turner, Hiner, Syme, Townes, Cackley, Fairfax, Wootton, Rives, Harrison of Prince William, Goff, Strother, Mayo, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pittman, Sibert, Thompson of Shenandoah, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson, George, Boyers, Massey, Floyd, Harvey, Collins and Boyd—123.

Mr. HOPKINS was declared by the clerk to be elected speaker. He was conducted to the chair by Messrs. STOVALL and YERBY, and returned his acknowledgments to the house.

On motion of Mr. STOVALL,

Ordered, That DANIEL WARD be appointed sergeant at arms.

On motion of Mr. STOVALL, the rule requiring but one appointment to be made at the same time, was suspended, and it was

Ordered, That ROBERT BRADLEY be appointed first doorkeeper, and WILLIAM CHAMBERS second doorkeeper.

On motion of Mr. STOVALL,

Resolved, That the sergeant at arms employ, for the service of the house, two pages, whose compensation shall not exceed two dollars per day.

On motion of Mr. STOVALL, the rules and regulations adopted for the government of the last house of delegates, were adopted for the government of the present session.

THEY ARE THE FOLLOWING :

1. No member shall absent himself from the service of the house, without leave, unless he be sick, and unable to attend.

2. When any member is about to speak in debate, or deliver any matter to the house, he shall rise from his seat, and without advancing, shall, with due respect, address "MR. SPEAKER," confining himself strictly to the point in debate, avoiding all indecent and disrespectful language.

3. When any member rises and addresses the chair, the speaker shall recognize him by his name ; but no member shall designate another by name.

4. No member shall speak more than *twice* in the same debate, without leave.

5. A question being once determined, must stand as the judgment of the house, and cannot, during the same session, be drawn again into debate.

6. While the speaker is reporting or putting a question, none shall entertain private discourse, read, stand up, walk into, out of, or across the house.

7. No member shall vote on any question, in the event of which he is immediately and personally interested ; nor in any other case where he was not present when the question was put by the speaker or chairman in any committee.

8. Every member who shall be in the house when any question is put, shall on a decision, be counted on one side or the other.

9. A majority of delegates shall be necessary to proceed to business ; and every question shall be determined according to the vote of a majority of the members present, except where the constitution otherwise provides ; any smaller number, together with the speaker, shall be sufficient to adjourn ; twenty may call a house, send for absentees, and make any order for their censure or discharge.

10. When the house rises, every member shall remain in his seat until the speaker passes him.

11. On a call of the house, the doors shall not be closed against any member until his name shall have been once enrolled.

12. Any member, sustained by seven others, shall have a right, before the question is put, to demand the ayes and noes on the decision of any question; and on such occasions, the names of the members shall be called over by the clerk, and the ayes and noes respectively entered on the journal, and the question decided as a majority shall thereupon appear. After the ayes and noes shall have been taken, and before they are counted or entered on the journal, the clerk shall read over the names of those who voted in the affirmative, and of those who voted in the negative, at which time any member shall have the right to correct any mistake committed in enrolling *his* name.

13. No business shall be introduced, or considered after 12 o'clock, until the orders of the day be disposed of, except messages from the senate or executive. Among the orders of the day, those which are general in their nature, shall have precedence over such as are private or local.

14. The speaker may call any member to the chair, who shall exercise its functions for the time; but no member, by virtue of such appointment, shall preside for a longer time than one day.

15. The speaker shall set apart convenient seats for the use of the members of the senate and executive, and of the judges of the superior courts of this commonwealth and of the United States, and of such other persons as he may invite within the bar of the house.

16. All bills or other business shall be dispatched in the order in which they are introduced, unless the house shall direct otherwise in particular cases. In future, all bills of a general nature shall, after their first reading, be printed for the use of the house.

17. The clerk shall not permit any records or papers to be taken from the table, or out of his possession; but he may deliver to a member any bills depending before the house, on taking his receipt for the same.

18. The journal of the house shall be drawn up by the clerk, on each day, and after being examined by the speaker, shall be printed and delivered without delay.

19. The clerk shall publish, with the laws, all resolutions of a general nature, annex marginal notes to each law or resolution, and subjoin an index to the whole.

20. The clerks of the senate and house of delegates may interchange messages at such time, between the hour of adjournment and that of meeting on the following day, as that the said messages may be read immediately after the orders of the day.

21. It shall be the duty of the clerk to make an alphabetical schedule of the petitions presented during the session, with a short analysis of each, for the information of succeeding legislatures.

22. No petition of a private nature having been once rejected, shall be acted on a second time unless it be supported by new evidence; nor shall any such petition, after a third disallowance, be again acted on. The several clerks of committees shall keep alphabetical lists of all such petitions, specifying the sessions at which they were presented, and the determination of the house thereon; and shall deliver the original petitions to the clerk of the house, to be preserved in his office.

23. No petition or memorial shall be received, praying for the division of a county or parish, changing the place of holding any court or other local matter, unless the purport of such petition or memorial shall have been fixed up at the courthouse door of the county where such alteration is proposed, at two different courts, and shall have remained there one day during the sitting of each court, and at least one month shall have passed after the holding of the last court, and before the petition or memorial is presented. And no petition or memorial shall be received, or bill brought in for establishing or discontinuing ferries, nor for any other purpose affecting private rights or property, unless the parties interested shall have had one month's notice, and if they be not known to the petitioner or memorialist, the purport of the petition, memorial or bill, shall be set up at the courthouse in the manner before directed, and *also* three times inserted in some newspaper in the state most convenient for conveying the intended information, one month before offering or moving the same.

24. No petition shall be received claiming a sum of money, or praying the settlement of unliquidated accounts, unless it be accompanied with a certificate of disallowance from the executive or auditor, containing the reason why it was rejected. But this order shall extend to no person applying for a pension.

25. When any petition, or bill founded on one, is rejected, such petition shall not be withdrawn, but the petitioner, or member presenting his petition, or any member from the county or corporation in which the petitioner resides, may without leave, withdraw any document filed therewith; and a list of every document so withdrawn, shall be preserved by the clerk. All petitions not finally acted on, may, with the accompanying documents, be in like manner withdrawn, after the expiration of the session at which they were presented.

26. No petition shall be read in the house, unless particularly required by some member; but every member presenting one, shall announce the name of the petitioner, the nature of the application, and whether in his opinion a similar application had been before made by said petitioner. He shall also endorse on the back of the petition, his own name as a pledge that it is drawn in respectful language: whereupon it shall be delivered to the clerk, by whom it shall be laid before the proper committee.

27. At the commencement of each session, the following committees shall be appointed by the speaker:

1. A committee of privileges and elections, to consist of nine members.
2. A committee for courts of justice, to consist of not less than nine nor more than thirteen members.
3. A committee for schools and colleges, to consist of not less than nine nor more than thirteen members.
4. A committee of propositions and grievances, to consist of not less than nine nor more than thirteen members.
5. A committee of claims, to consist of not less than nine nor more than thirteen members.
6. A committee of roads and internal navigation, to consist of not less than nine nor more than thirteen members.

7. A committee on the militia laws, to consist of not less than five nor more than seven members.
8. A committee of finance, to consist of not less than seven nor more than nine members.
9. A committee on the penitentiary, to consist of not less than five nor more than seven members.
10. A committee on the armory, to consist of not less than seven nor more than thirteen members.
11. A committee on executive expenditures, to consist of not less than five nor more than seven members.
12. A committee to examine first auditor's office, to consist of not less than five nor more than seven members.
13. A committee to examine second auditor's office, to consist of not less than five nor more than seven members.
14. A committee to examine clerk's office, to consist of not less than five nor more than seven members.
15. A committee to examine the register's office, to consist of not less than five nor more than seven members.
16. A joint committee to examine the treasurer's accounts, to consist of not less than five nor more than seven members.
17. A joint committee to examine the bonds of public officers, to consist of not less than five nor more than seven members.
18. A joint committee on the public library, to consist of not less than five nor more than seven members.
19. A committee on agriculture and manufactures, to consist of not less than five nor more than thirteen members.
20. A committee to examine enrolled bills, to consist of not less than five nor more than ten members.
21. A committee to examine the lunatic asylums in this commonwealth, to consist of not less than five nor more than ten members.
22. A committee on banks, consisting of not less than seven nor more than eleven members.
23. And a committee on trade and mechanic arts, to consist of not less than nine nor more than thirteen members.
28. The several standing committees shall appoint their own clerks when necessary, and discharge them as soon as their services can be dispensed with.
29. Five members of any standing or select committee, shall be a quorum to proceed to business.
30. The several committees are instructed to report, in all cases to them referred, whether other cases may arise, comprised within the principle of the petitioner: and if a bill be ordered, it shall be so drawn as to provide for all such cases, as well as that in which it originated; and in petitions and other matters referred, the committee shall have power, if they deem it expedient, to report by bill.
31. Select committees shall not consist of less than five nor more than thirteen members.

32. The committee of privileges and elections shall examine the oaths taken by each member, and certificates of election furnished by the sheriffs, and report thereon to the house.

33. The committee of privileges and elections shall report in all cases of privilege or contested elections, the principles and reasons on which their resolutions are founded.

34. The committee for schools and colleges shall annually examine into the state and manner of administration of the Literary fund, and make such report as they may deem proper.

35. The committee of finance shall annually examine into the state of the debts due from the commonwealth; of the revenue and expenditures of the preceding year, and prepare an estimate of the expenses of the succeeding year, and make such report thereon as they may deem proper.

36. Any person contesting the election of a member returned to serve in this house, will be entitled to receive his wages only from the day on which such person is declared duly elected.

37. Whenever by the equality of sound, a division of the house is rendered necessary in the opinion of the speaker, or of a member, the members shall be required to rise in their places; and if on a general view of the house, a doubt still exist on the mind of the speaker, or of a member, as to the side on which the majority voted, the members shall be counted standing in their places, either by the speaker, or by two members of opposite opinions on the question, to be deputed for the purpose by the speaker.

38. Documents printed by order of the house, shall be printed on paper of the same size with the journal, and a copy shall be bound up with each journal, and furnished the members at the end of the session; and it shall be the duty of the public printer to furnish 185 additional copies bound for that purpose.

39. Any person shall be at liberty to sue out an original writ, or subpœna in chancery, to prevent a bar by the statute of limitations, or to file any bill in equity, and examine witnesses thereupon, for the purpose of preserving their testimony against any member of this house: *Provided*, That the clerk, after having made out and signed such original writ, or subpœna, shall not deliver it to the party, nor to any other person, during the continuance of the member's privilege.

40. Any person summoned to attend this house, or any one of its committees, as a witness, shall be privileged from arrest during his coming to, attendance on, or return from the house or committee; and no such witness shall be obliged to attend, until the party at whose request he was summoned, shall pay or secure to him for his attendance and travelling, the same allowance which is made to witnesses attending the general court.

41. If any person shall tamper with a witness, in respect of his evidence to be given before this house, or one of its committees, or directly or indirectly endeavour to deter or hinder a person from appearing or giving evidence, it shall be deemed a high misdemeanor, which the house will severely punish.

42. No person shall be taken into custody by the sergeant at arms, on any complaint of breach of privilege, until the matter is examined by the committee of privileges and elections, and reported to the house, unless by order of the speaker.

43. In all elections, but one vacancy shall be filled at a time.

44. In elections by joint vote of the two houses of the general assembly, each house shall first communicate, by message to the other, the names of the persons who may be put in nomination for the said office in each house respectively; and then each house shall vote separately in its own chamber; and shall each appoint a committee on its part to meet a committee on the part of the other house, and communicate the result of the vote in each house respectively; and if upon such vote, any person have a majority of the whole number of votes, the same shall be reported by the committees to their respective houses, and the speaker of each house shall declare such person duly elected; and if no person shall have a majority of the whole number of votes, both houses shall in like manner proceed to another vote, dropping the person who shall have the smallest number of votes on the former vote; and so on till an election be made; and the results of each vote in each house shall, in like manner, be communicated by each house to the other, and reported by their respective committees; and the election, when made, shall in like manner, be declared by the respective speakers of the two houses.

45. Hereafter it shall be the duty of the clerk, previous to reading each bill, to announce whether it is on its first, second or third reading.

46. On every day, so soon as the speaker takes the chair and calls the house to order, the standing committees of the house shall be called over to enable them to make reports.

On motion of Mr. STOVALL,

Resolved, That a committee be appointed to inform the governor of the commonwealth that this house is now organized and ready to receive any communication.

And a committee was appointed of Messrs. Stovall, Whittle and Boisseau.

The SPEAKER laid before the house a communication from WILLIAM SMITH, Esq. governor of the commonwealth, which was read as follows:

EXECUTIVE DEPARTMENT, December 4th, 1848.

To the Speaker of the House of Delegates.

SIR,—Having been officially notified that the house of delegates is now in session and ready to receive the communication required by the constitution, I herewith transmit it to you to be laid before that body.

I have the honour to be, with great consideration,

Your obed't serv't,

WM. SMITH.

To the General Assembly of Virginia.

GENTLEMEN,

In my last annual message I informed you that the balance in the treasury on the 30th of September 1847, available for the uses of the then existing fiscal year, was \$ 127,114 02, and that there would be probably in the treasury on the first day of October 1848, the sum of \$ 145,000; but, as will be seen from the treasurer's report, the actual balance is only \$ 104,251 37. This apparent deficiency, however, does not actually exist, there being in the hands of the various state agencies connected with our internal improvements about \$ 30,000; while the payments from the treasury to roads authorized by the last assembly are larger than in the year preceding. In fact our state is steadily improving in population and wealth, our revenue having been increased about five per cent. within the past year, not by an increase in the rate of taxation, but by an increase in the number of subjects upon which it has been assessed. I herewith communicate a table prepared in the first auditor's office, illustrating this pleasant and agreeable fact, in which the number of almost every subject of taxation, and the amounts collected on each, for the three last years will appear. [See table A.] In further illustration of these conclusions, I herewith communicate the first auditor's annual report, together with a tabular statement of population, &c.; and also the treasurer's annual report.

This condition of our revenue, highly gratifying as it must be to every Virginian, will not enable us, without some new provisions of law, to meet the heavy liabilities which have been authorized by the general assembly at their two last sessions. The general assembly, at its session of 1846-7, authorized liabilities to the amount of \$ 2,887,800; of which, up to the first day of October last, \$ 849,453 59 cents was paid. Of the remainder, it is highly probable that about \$ 261,600 will not be required; \$ 744,000 of the loan to the James river company is provided for; leaving \$ 1,032,766 41 of those appropriations for which provision must be made at an early day. At your last session various acts were passed authorizing liabilities to the amount of \$ 1,908,830. Of this, about \$ 140,000 has been paid, and upwards of \$ 400,000 will certainly be required. Of the residue, amounting to about \$ 1,300,000, it is highly probable nothing will be called for except the appropriations to the New Shenandoah company, and the Alexandria and Orange railroad company, two improvements of great importance to the country through which they pass, and to one of our principal towns. So that the almost certain demands upon the treasury, under the various laws of your two last sessions, will amount to not less than \$ 2,000,000, exclusive of the loan to the James river and Kanawha company; of which large sum about \$ 1,500,000 will be required in the years 1849 and 1850.

How is this very considerable amount to be obtained? The law now directs it to be raised by loans; but I am satisfied that we cannot rely upon that means alone, punctually to meet our engagements. It

is to be remembered that state bonds, to the amount of about \$800,000, have been sold in this market during the two years preceding the 1st day of October last; that the James river and Kanawha, and other companies, now hold for sale, bonds to the amount of \$228,000; and that the James river and Kanawha company have now a right to demand, and will have at different periods on or before the first day of January 1849, state bonds to the aggregate amount of \$744,000; all of which will seek a market. In the face of this early demand upon the surplus capital of our citizens by companies actively engaged in prosecuting their works, can it be prudent to rely upon loans only to meet our state engagements? To do so, and actively press the sale of our state bonds, might not only impair our unsullied credit, but seriously injure companies we have undertaken to aid. Much the larger portion of our state bonds is held by our own citizens, and nearly all the recent investments therein have been made by them; and it is of great importance to our prosperity that this policy should be encouraged, which in no way can be so effectually done as by keeping the supply short of the demand; thus giving an assurance to those who invest in our stock, that it will not depreciate. I do not think that we can safely rely upon loans for more than \$400,000 per annum—the treasury can spare, for the uses of the next year, about \$200,000, and I can see no other resource but taxation, or the sale of bank stock, when it can be made at par, for the residue, amounting to about \$150,000. Our bank stocks are now in fine credit, and producing handsome dividends; and I deem it indispensable to the proper support of our state credit, that the second auditor should be clothed with the power of disposing of them, when necessary, to meet any public exigency. If the companies in which the state has embarked, and the works that she has undertaken on her own account, proceed with the spirit with which they have commenced, I am confident that \$1,500,000 is the least sum that will suffice to meet the public engagements up to the end of the year 1850. And to prevent an enlargement of this sum, you will have to pass an act similar to the one passed on the 17th of March 1840, entitled “an act directing the suspension of surveys and subscriptions on the part of the state;” which I earnestly recommend.

In my former annual communications, I presented to the general assembly the importance of digesting a system of internal improvements which should be confined to two great railroads,—the indispensable necessity of deferring all secondary works until those should be completed—the certainty when that period arrived of realizing an income sufficient rapidly to complete every work in which private capital would engage—and I appealed to the pride, patriotism and wisdom of your predecessors for the adoption of this policy, but I appealed in vain. County roads, sectional schemes, improvements that properly belonged to the past or the future, found favour with the general assembly, thereby absorbing to a great extent the resources of the state, without contributing essentially to her improvement, or advancing in but slight degree, if at all, to the completion of the great works indispensable to the attainment of that high destiny to which she is properly entitled.

It has long been a cherished object with me, to extend the Louisa railroad to the Ohio river, and, as far as practicable, in a northwesterly direction. When in the senate I pressed this policy, which also received the sanction of the general assembly. The president of this company, when a member of the senate, and in his present official character, also actively coöperated in securing the success of this policy. I shall ever regret, as a great public calamity, that this gentleman and the private stockholders of this company should have changed their views, and against the opinion of the Board of public works, should have turned their road in a different direction, under the authority of an act which it is positively certain, would never have been passed, had the construction that was put upon it, been anticipated.

At your last session an act was passed providing for the extension of this road on the route originally designed, and authorizing a subscription on the part of the state. But the wish of the state, as indicated by said act, and the vote of the state proxy representing a majority of the stock, aided by a portion of the private stock, in consequence of the scale of voting now adopted by law, was overruled by a minority of the stock in said company, and the act rejected; thus under the influence of private interests, defeating a long cherished and most important public policy. Are you prepared, gentlemen, to permit this important measure to be defeated? Are you willing to abandon, to foster and enrich an adjoining state, one fourth of our own? Or will you not persevere with this improvement, until it shall reach the shores of the Ohio, and make a noble unity of our beloved commonwealth?

The Louisa railroad will, when completed in the direction it has taken, to the extent of its present means, destroy two improvements as dividend-paying subjects, which now handsomely contribute to the treasury; and if extended westwardly, as is contemplated by its managers, will invade the chartered rights of the James river and Kanawha company, and render hopelessly unproductive our immense interests in that company, amounting to \$6,603,229 69, and that, too, without securing any local advantages which would not have been realized to equal extent upon the abandoned route. This company is also actively making arrangements for the extension of their road to this city, substantially parallel to the one now in operation, and which is paying a dividend of 7 per cent. to the state. It is manifest that if this scheme is carried out it must affect injuriously the income of the Richmond and Potomac railroad company, in which the state is interested as a stockholder to the amount of \$275,200; a consequence which the state ought not to encourage. Are private interests in our public works not entitled to protection? Are our own, immense as they are, not worth preservation? Every citizen is deeply interested in these questions, and in giving success to the works in which we engage. Success will effectually prevent an increase of public burdens, and success will give to the system of internal improvements an argument in favour of its extension, which no probable combination of circumstances can resist.

Had the Louisa company adhered to its original route it would not have provoked a single enmity, nor interfered with an important public

interest. It would have quietly wended its way, every step of its progress marked by benefits; and when it should have accomplished its high destiny in the completion of this noble enterprise, its patrons and managers might justly have claimed to be regarded as public benefactors. Nor is there any thing in the topography of this route to justify its abandonment. Although criticised for the expression of this opinion in my former messages, I repeat it with increased confidence. The Baltimore and Ohio railroad is prosecuting its surveys through a country equally rugged, and has already ascertained that a grade can be obtained, no where exceeding seventy-nine and a half feet to the mile; and its gifted engineer, Mr. Latrobe, by the following extract from a letter recently written by him, prefers, under the circumstances, and will probably adopt, a grade of one hundred and sixteen feet to the mile. "You are aware," he says, "that the subject of grades is a mooted one, and some engineers are bolder in their views than others. The highest grade heretofore used upon any leading line of road is about 84 feet per mile. But this is certainly much within the capacity of the locomotive as now improved, and in crossing the Alleghany west of Cumberland, I think it more than probable that a grade of upwards of 100 feet—say 116 feet—may be adopted. The line will be so much shortened and cheapened by it, that I feel sure it will more than pay for any additional expense and risk of working such a grade. Above Cumberland, on one of the coal railroads, we have a grade of 135 feet per mile safely worked, with the heaviest trains, by engines of 23 tons. I think the locomotive will be still further improved for operating on high grades, so that I entertain no doubt whatever of the entire feasibility of the grade above mentioned, (116 feet,) on a line of general business." I have therefore again, with profound solicitude, to recommend this subject to your favourable attention.

In a former message, I pointed out, with all the power of which I was capable, the destructive effects of railroad competition. I stated the wide ruin which had been wrought by it in England, and the remedy that had been adopted to arrest it. I called attention to our own experience, particularly that which was furnished by the struggle between the late Portsmouth and Roanoke railroad and the Petersburg and Roanoke railroad, which resulted in the destruction of the former, while the latter barely escaped a similar fate, but which being now relieved from the struggle, is eminently prosperous. Competition for the mighty trade of the west is fully justifiable, and is a high and solemn duty in which we cannot fail of success. But competition among ourselves for the limited supplies of our own exhausted fields by the construction of rival works, cannot be vindicated by practical wisdom, and will, I trust, henceforth receive no favour from the general assembly.

I have dwelt longer upon this subject than I would have done, but for my conviction that the fate of internal improvements in Virginia is involved in it. Capitalists will not risk their money amid the war of rival routes, and the people will not bear burdens, continually increasing, without some prospect in the distance of prosperity and relief.

My views in relation to the character of the improvement, and the point at which it should commence between James river and the Tennessee line, have been heretofore so fully expressed that it may be considered presumptuous to urge them again upon your attention, especially as a different improvement was adopted and is now in progress of construction. But I am so fully satisfied that a turnpike can answer no important public end, that I hope to be excused for recommending that the further prosecution of this work south of Salem be abandoned, and the money appropriated for it be applied in aid of the Lynchburg and Tennessee railroad, in which I hope to see the state become a leading partner. By this means the true policy of the state, according to the views I have heretofore expressed and still entertain, can be substantially accomplished, and the great advantages I have formerly depicted, and so anxiously covet for our state, be secured. I understand that a railroad from the Hiwassee to Knoxville in Tennessee, has been recently put under contract, and our enterprising sister will be on our borders ready to greet us before we can be prepared, with our utmost diligence, to give her an appropriate welcome. It is wonderful, that in this enlightened day, with stores of experience around us, we should have attempted to develop an important section of our state and connect distant and inland points with a turnpike! I doubt if there is in the world a similar work under construction for similar purposes.

The members of the Board of public works, with the exception of the governor, being annually elected, and looking exclusively to their offices for employment and support, give as strong assurance of fidelity to their trusts as can be expected from any human agent. Entirely disconnected with all private pursuits—brought into daily contact with the people in the performance of their public duties, and with ample opportunity to acquire a thorough knowledge of the public improvements, it is difficult to conceive an agent more likely to perform his duty in a pure and elevated spirit, or one in whom the legislature can more implicitly rely. But the duties of the board are daily increasing in delicacy and importance, and ought to be defined with clearness and precision. This is particularly necessary, not only to release the board from anxiety, but to protect the public interests, which have been seriously compromised in my judgment; but for the particulars of which, I refer you to the report of the Board of public works.

The Board of public works being the agent of the state, to execute her will as expressed by the general assembly, ought not to be controlled, except by that body, to which all exceptions to the decisions of the board can be properly referred. I therefore recommend the passage of such a law as will exempt the Board of public works from the jurisdiction of the courts except as to money demands.

I deem it indispensable to the public service that the Board of public works should have the constant aid of an experienced engineer of high and well established character. True economy, and the best interests of the state, in our internal improvements, will be promoted by it. Such an officer would also be able, with but little expense to

the state, to make a state map, critically accurate in all its great essentials, in which our present maps are ascertained to be lamentably deficient.

I also recommend that no company shall hereafter organize, whose act of incorporation provides for a subscription by the state, until such subscription shall have been obtained. Such may fairly be inferred to have been the intention of the legislature in the act incorporating the Richmond and Danville railroad company. But that company having secured its charter, proceeded to the appointment of its officers, and when it received the state subscription of three fifths, refused to recognize the state officers who had been appointed to represent and protect it; and, although a minority of the stock actually subscribed, assumed upon itself to determine the eastern terminus and location of their road, and to put about two thirds of it under contract. Thus taking all the real and fundamental measures in such improvements, not only without the concurrence of the state, but actually refusing to permit her to advise about them. Certainly, the law ought to be so plainly expressed as to preclude hereafter, the possibility of a similar occurrence.

The scale of voting in our internal improvement companies is, it seems to me, unjust, and ought to be repealed. As the law now stands, the man who owns one hundred shares of stock is entitled to but nineteen votes, and one hundred men owning a share each are entitled to one hundred votes. In the one case the owner of the one hundred shares has a sufficient interest to secure his attention to the affairs of his company, but in the other, the one hundred men possessing each an interest too inconsiderable to repay the trouble of attention, make a proxy of some interested person; and thus practically ends their interest in the affairs of their company. Can such a state of things be right or politic? I ask attention to the following statement:

Statement of the State Vote and Private Vote that can be given at the meeting of the Stockholders in three of the principal Railroad Companies.

	Total vote given by the State.	Am't represented by State vote.	Total number of votes that can be given by private stock.	Am't represented by private vote.	No. of private stockholders.
Louisa railroad, - -	569	\$ 306,400	1,736	\$ 304,200	727
Richmond and Petersburg railroad, - -	394	385,600	908	300,000	132
Richmond and Danville railroad, - -	701	691,500	2,648	461,700	910

Comment on this distribution of power, is useless. It will be seen that the interests of the state are at the pleasure of private interests, which, being wrong in itself, will, I hope, be corrected in every instance, at the first practicable moment.

To prevent some of the evils to which I have above adverted; it should be provided by law, that no officer of a company should act as proxy. This policy has already been adopted in relation to our banks, and it is equally important in regard to our internal improvement companies.

I deem it a matter of great consequence to the public interests, that the state should own the three railroads between the Roanoke and the Potomac. The heavy expense of three several administrations, and the want of harmony and combination between them, affect very injuriously, the incomes of their respective roads. Were these roads under one administration, a great saving of annual expense would be effected; and moving with one will, every exigency could be met with tact and vigour, and the travel retained, in spite of all opposition. Were the Board of public works authorized to enter the market and purchase at their discretion, it is believed they could, on very favourable terms, soon obtain the entire control of these companies.

It is indispensable that something should be done, and that speedily, for the extrication of the Richmond and Petersburg railroad, from its embarrassments. The proposition made in its report, is clearly inadmissible; and if the road should not be purchased by the state, the only measure I can suggest, is to provide by law for its junction with the Richmond, Fredericksburg and Potomac railroad company, and an amalgamation of their stock, upon terms that, I think, can be made satisfactory to all concerned. I regard the junction of these two roads as of great importance to their prosperity, and I am persuaded that the City of Richmond would grant the necessary privilege, if the legislature should request it.

I herewith communicate the annual report of the James river and Kanawha company.

In my former annual messages, I recommended that it be provided by law, that the supreme court of appeals should pronounce no final judgment or decree in a cause, except when three of the five judges concurred therein. I am still of the same opinion, and respectfully renew this recommendation. I cannot think it politic or just to settle the rights of property, except by adjudications which settle the law of the land. I, however, need not repeat the reasons with which I undertook to enforce my recommendations, as they are to be found in my former communications, to which I respectfully refer you.

In the first message I had the honour to submit to the general assembly, I used the following language:

"I have reason to believe that the circuit superior courts of law and chancery, would be more acceptable to the people, if the judges thereof were required to hold the courts of the different circuits in some prescribed rotation. Judges are men, with many of their passions and infirmities. Few pass through life without enmities, few without friendships, and fewer still can rise superior to the influence of these relations. It is so natural to favour our friends and to injure one towards whom we feel antipathy, that a judge may unconsciously to himself, allow his feelings to warp his judgment, and inflict thereby a

great, and it may be, a fatal injury. Nor, is this all; riding his circuit for years, he is apt to share the feelings of his friends, and feel the excitement of every feud therein. It is difficult for any one, however eminent, under such circumstances, to hold the scales of justice in fair and equal poise, and it is more difficult to satisfy his suitors that he has done so. To do justice is the first duty; the second is to satisfy those interested, that justice has been done to them. This can rarely be attained by a judge who has grown up among those over whom he presides, sharing with them, as he necessarily must, those various affections which pervade all communities. Justice should not only be pure, but unsuspected.

"The system would be productive of great advantage and convenience, in suits in which the judge was concerned before his election, in which he is a suitor, in which he is related to either party, and in which the suitor is his open enemy. Such suits are usually sent to another jurisdiction, to the great annoyance and heavy expense of the parties therein. But the necessity of a change of venue would not exist under the rotary system."

I ask, gentlemen, if you do not know, or have not heard, that many of these evils extensively prevail? And if so, may I not hope that you will provide by law for their removal. These evils, at least some of them, have not for the first time occupied the attention of the public authorities. As far back as the reign of Edward III., five hundred and nineteen years ago, a statute was passed, followed by two others, in the reigns of Richard II. and Henry VIII., the purport of which is thus described in the third book of Blackstone's Commentaries: "The prudent jealousy of our ancestors, ordained that no man of law should be judge of assize in his own county, wherein he was born or doth inhabit;" and the learned commentator proceeds and says: "And a similar prohibition is found in the civil law, which has carried this principle so far, that it is equivalent to the crime of sacrilege for a man to be governor of the province in which he was born, or has any civil connexion." And this continued uninterruptedly the law of England for upwards of four hundred years, until the twelfth year of the reign of George II., when it was modified. Blackstone says, 4th book: "But that local partiality which the jealousy of our ancestors was careful to prevent, being judged less likely to operate in the trial of crimes and misdemeanors, than in matters of property and disputes between party and party, it was thought proper by the statute, 12 Geo. II., c. 27, to allow any man to be a justice of *oyer* and *terminer*, and general gaol delivery, within any county of England."

It is the principle of those venerable statutes of our ancestors that I desire to see engrafted into our law. And fully convinced that it is indispensable to the unsuspected administration of justice, at least, that it should be done, I, for the third time, present this interesting subject to the attention of the general assembly. Were four circuits united into one district, and the judges thereof required to follow each other in succession through the several circuits, the evils of which I have spoken would be obviated. The inconveniences, if any, which

would grow out of the system, would be unimportant, and would be greatly overbalanced by the advantages to be obtained.

I herewith communicate the resignation of Judge Edwin S. Duncan, and inform you that I have appointed George H. Lee, Esq. of Harrison, an accomplished lawyer, to fill the vacancy thus created. I regret to have to inform you of the death of that amiable, upright and learned lawyer, Judge James H. Gholson. I have appointed that well-known and experienced lawyer, John W. Nash, Esq. of Powhatan, to succeed him.

I respectfully invite your attention to the county courts and the justices thereof. It is not to be disguised, that this important tribunal has suffered of late years in the public estimation, and that its reform is essential to its utility. This reform is entirely practicable, and the right to make it clearly within the scope of your constitutional powers.

The right which the members of this court possess of appointing their successors, was unknown to our English ancestry, and is traceable to our early colonial legislation. It is a power liable to great abuse, and is frequently exerted to establish or continue family and party influence, to the prejudice of the best interests of the people. Although this power is created by the constitution, and cannot therefore be annulled, yet it may, undoubtedly, be so regulated by law, as to prevent much of the abuse to which it is now liable.

But our laws have also increased the objectionable powers of this court. By the revised act of January 11, 1819, it is made the duty of the county court to nominate to the governor three of their own body, one of whom to be commissioned "to execute the office of sheriff in such county." By the act of March 6, 1819, it is made the duty of the county courts to appoint commissioners of the revenue; and the practice is, in some sections of the state, to confer this appointment in annual succession upon members of their own body. An act was passed on the 24th day of February 1841 to arrest this mischievous practice, but it is practically defeated by the appointment of some member of the family of the justice, who by rotation would have received it but for the provisions of this law. This court exercises over each of these officers, in some respects, an official supervision, and may be called upon to act against both judicially. Can it be expected that it will firmly and impartially administer justice against officers with whom the members of the court must necessarily, and it may be in a short time, change places? The most upright men, unconsciously to themselves, may be affected in their opinions by the unseen sympathies which will assuredly arise from such relations. By act passed April 2, 1831, it is provided that this court shall appoint commissioners of election for their county: practically, this is an important political power, and is exerted almost invariably for the advancement of party ends, and tends necessarily to impair their character for justice and impartiality in the mind of a large portion of the people.

In this brief review of some of the powers of this important court, you cannot fail to see that no other similar tribunal has ever been entrusted with such a mass of delicate and important powers, so well cal-

culated to impair its just value as a court of justice; and I therefore hope that you will concur with me in the necessity of its reformation.

In aid of this design, I respectfully suggest the passage of a law, providing that the several counties of the state shall be divided into districts, each containing from one to two thousand inhabitants; that a justice of the peace be appointed for each district, who shall reside therein; that the justice of such district shall hold therefor, at some central point, a monthly court; that three justices shall be competent to form the county court; that the justices shall be required to hold the county court in a prescribed rotation; that all future nominations by the court shall be to fill vacancies as they occur; that the justices shall be incapable of holding the shrievalty; that they shall each receive one hundred and fifty dollars for their services per year, payable out of the county levy; that they shall farm out the shrievalty, the proceeds of which shall constitute a part of the county revenue; that each justice in his district, which shall be an election precinct, shall be *ex officio* sole commissioner of election therein; and that the county court shall appoint a constable for each district, who shall within such bounds *ex officio* perform the present election duties of the sheriff, and the duties also of the commissioner of the revenue. By this system the justice and his constable, the officers conducting all elections, would necessarily know every person within their district, and consequently could protect the ballot box against fraud; particularly if each voter were required to vote in the district in which he possessed the right of suffrage. By it, no subject of taxation could escape the eye of the commissioner, and our income would be increased; and, lastly, by it the county court would be stripped of those powers which affect its impartiality and shake it in the public confidence.

Nor is there any difficulty in the way of carrying out this important reform in the tenure by which the justices hold their office. A reference to the common law, to our colonial legislation, and to the first section of the fifth article of our constitution, will satisfy, I am persuaded, every person that our justices hold their offices at will. But I apprehend no difficulty from this question. I entertain too high an opinion of the patriotism of our justices to believe that they will interfere to arrest reforms demanded by the best interest of the country. Besides, some of those now in commission will no doubt be selected for the important duties contemplated in these suggestions, thus providing, it is highly probable, for all those who have been distinguished for long and unrequited service.

These county districts might also be adopted as school districts, and the bounds of one or more militia companies, creating a comprehensive and harmonious system, providing for the interests and securing the convenience of the people in an unusual degree. In fact, this scheme of districts is, in principle, nothing but the township system of many of our sister states; nothing but the ward system of the illustrious Jefferson; nothing but the hundred system of the great Alfred. It is a system sanctioned and approved by ancient and modern experience; which I can with great confidence recommend to your favourable consideration.

Nothing is more necessary to the administration of justice by justices of the peace, than a book of forms adapted to the existing condition of our civil and criminal law. The want of such a book is extensively and seriously felt, and will, I hope, receive your early attention.

The law of bail, as it now stands, is frequently productive of great oppression. It gives one who holds the obligation of another, whether due or not, the power, by his own will, to hold the presumptive debtor to bail, and to imprison him if unable to give it. It is a power inconsistent with the humane and enlightened spirit of the age, derogatory of the rights of personal liberty, and wholly unnecessary to the ends of justice. I recommend that the law of bail, as now applicable to open accounts, be made general, superseding thereby the law as it now stands in relation to bonds, notes, &c.

The state owns several small pieces of real property, of no public use whatever, which are subject to frequent depredation, and are daily diminishing in value. I advise the passage of a law directing them to be sold.

I herewith communicate the various reports in relation to the penitentiary. They should receive the most careful consideration. The penitentiary agent paid into the treasury \$10,500 during the past fiscal year, \$8000 during the year preceding, and \$4200 in the years 1845 and 1846. On the first day of October 1845, the balance in his hands was \$40,899 39; on the first day of October last, it was only \$31,016 35 cents; so that nearly one moiety of the payments of the last four years, has been at the expense of capital; and it is obvious, that the flattering conclusion of the worthy agent is altogether fallacious. The report of the superintendent is equally delusive, as to results. Notwithstanding the annual investment in "permanent improvements," amounting in four years to about \$14,699, which are intended to afford increased facilities to manufacturing operations; notwithstanding the large capital employed in this institution; and notwithstanding we are habitually notified, in the annual reports of this officer, of its increasing prosperity, *the fact* is undeniable, that the penitentiary is an annual charge upon the treasury. Now, how and why is this? The result has always existed, under every administration. It involves no character, as far as I am informed, and must, therefore, be a question of system or management, or both. In this state of things, I again recommend that one or more, or all, of the shops be rented out. This policy has been adopted in many of the states, with decided success, and is no experiment. But if this policy be unacceptable, then I advise that no further payments of any kind be made at the treasury on account of this institution, but that it be required to pay all charges, of every description, preserving at the same time its capital from diminution. Such a policy would, I have no doubt, produce very valuable reforms; it would, at least, protect the treasury, I am sure, from future claims on this account.

By the penitentiary report, we also learn, that on the first day of October last, there were in the penitentiary 119 white, and 81 negro convicts, the white population contributing about 15 for each 100,000

persons, and the free negroes contributing, from similar numbers of their own race, about 160 persons, to the penitentiary; proving that the free negro perpetrates, at least ten times as much crime in proportion to numbers as the white man. This statement, verified by our legislation, presents such a picture of the moral degradation of our free negro population as is well calculated to excite the sympathy of the philanthropist. Without meaning to enter into any discussion as to the moral and intellectual capacity of the negro, as to which I have heretofore very fully and distinctly expressed my opinion, I ask how it is possible, that he can be other than he is, under the laws to which we subject him. Born in a hovel, the companion of the slave, and the tool of the vicious white man, he naturally sympathizes with the degradation around him. By law, he is forbid to intermarry with the whites, to bear testimony against them, to learn to read and write, to preach the Word of God to his fellows, to bear arms, and to resent insults from a white man. Many other laws of the same character are on our statute book; and in every relation, from the cradle to the grave, he is never allowed to forget that he is of an inferior race. By the providence of God, such is his destiny; and according to naturalists, history, and the experience of all mankind, he is regarded as the third, or an inferior species of the race of man. But not content with this, by all the arts of legislation, we force him below that position in the scale of humanity, to which he is naturally entitled. And is this state of things forever to continue? Are the promptings of benevolence and the pleadings of philanthropy to be in vain? I am aware that our policy, as indicated by our laws, cannot be relaxed: the stern necessities of our condition forbid it. But there is a way in which I would hope the condition of the free negro might be alleviated; it is to deport him, to send him beyond our limits into communities where the disabilities which oppress him here do not exist; where his moral and intellectual qualities may be developed, and the great problem solved of his fitness and capacity for freedom. Shall it be done, gentlemen; or will you still retain this class among us in a state of hopeless, never-ending degradation. In my former messages, I presented this subject for consideration, and was denounced from different quarters for the inhumanity of my proposition. I now repeat it; and the question is, who is justly liable to this charge, he who wishes to remove the free negro to other places where he will be freed from our soul-degrading legislation, and where he would have a right to learn to stand up and feel and say I am a man—or he who persists in retaining him in our midst, subject to the inexorable legislation to which I have adverted? This question I leave with you, and with the country, without uneasiness or apprehension.

But the objection to the removal of our free negroes, upon the ground of its inhumanity, is not well considered, in other respects. It is impossible that such a population can have strong local attachments. Indeed, it is a feeling very much weakened with all classes of our population, from the habit of emigration, which has long extensively prevailed. Scarcely a family of the highest respectability and wealth which has not sent out one or more of their members to people our

western valleys. Our slaves, too, with better habits, and with feelings of a purer and more domestic character than those usually possessed by our free negroes, are daily emigrated to the south, and that, frequently, (from the necessities of masters,) without regard to domestic ties. By our law, if a slave be freed he is compelled to leave the state, no matter how strong may be his attachments, or what ties may be sundered. We are also familiar with the policy of removing Indian tribes by force, upon a large scale, and within a few years past; and indeed we are indebted to this policy for the homes we occupy, and the noble state of which we are so justly proud. With all proper deference, then, to the opinions of others, I conclude that there is in this objection nothing that presents any real difficulty.

But the free negro seriously affects the value of our slaves. He awakens in the slave new appetites and wants, teaches the road to crime, makes him restless and dissatisfied, increases the spirit of insubordination, and consequently imposes a severity which otherwise would be unnecessary. Of the eighty-one negro convicts now in the penitentiary, ten are there for the crime of stealing and enticing away slaves.

Nor is this the only way in which the free negro acts injuriously. In every community of whites, there are some to be found with vicious and immoral propensities, who are tempted to commit crime from the ease with which they can obtain in the free negro a convenient tool. In this way, and in many others which it would not be proper, perhaps, to enumerate, the beauty and purity of our social state is seriously demoralized.

Although the fifty thousand free negroes in our state, with few exceptions, are known to be thriftless and unproductive, and live mainly by depredation upon the labour of others, yet they congregate in our villages, and do the little jobs that arise in the progress of ordinary labour, wholly superseding, by the smallness of their compensation, and the character of its payment, the employment of white men; thus creating a moral necessity for the emigration of no inconsiderable portion of our labouring white population. I can appeal with confidence to the experience of every member of the general assembly, in support of the truth of the above view; and I ask if this of itself does not give this subject a claim to your favourable consideration?

The legislation, in relation to the free negro, to which I have heretofore adverted, is the result of long experience and intimate knowledge of the free negro race, and cannot be relaxed. And we must deliberately and calmly ask ourselves, whether we will not at once, in a bold and comprehensive spirit, adopt the policy I have recommended, which is plainly requisite for his happiness, and the true interests and prosperity of the state. It is difficult to imagine a policy more interesting to the country or more fraught with good to all concerned. To us, the good will be broad, deep and all-pervading. Not an element in our character, not an interest of our people, but will feel its refreshing influence. May I not then hope, gentlemen, that in pressing this important measure, for the third time, upon your attention, I shall not have done so in vain.

Of the right to consummate this measure, I entertain no doubt. I attempted to make that plain in my last message. The details of the plan are few and simple, and can be easily executed. Nor is there any difficulty in finding places to which to send them. Liberia, the French and English islands, and some of the free states, especially New York and Massachusetts, are all eager, if I am to believe the evidences before me, to receive them. The British islands, I have no doubt, from information in my possession, would pay the expense of all those sent to them. And Massachusetts, a few years ago, in an elaborate exposition to the American people, admitted, and undertook to convince others, that the free negro is an American citizen, and entitled to go and come at will. With this acknowledged right, he could there find a home, and not a vessel would sail from our shores for that ancient and prosperous commonwealth, but would be happy to take at a cheap rate, from fifty to one hundred passengers. Then where is the difficulty? In ten years, at an expense of \$20,000 a year, our state may be freed from the curse of our free negro population. Profoundly convinced of the wisdom and humanity of this measure, and its all-pervading importance to our beloved commonwealth, I earnestly recommend it to the general assembly.

I herewith communicate the report of the register of the land office.

I communicate also the report of the superintendent of weights and measures. Nothing has been done yet towards supplying the several towns and counties of our state with this important standard; and I am satisfied nothing can be efficiently done under our present laws. The room in the basement of the capitol will not answer for this service on account of its dampness, thorough dryness being indispensable. The weights and measures are of the nicest and most delicate mechanism, and should be placed in charge of a man with some knowledge of mechanics. I would, therefore, recommend that this duty be confided to the captain of the public guard, who could, with a small additional expense, have them made in his own workshops and under his eye and superintendence—a duty which he would cheerfully undertake, without charge, if relieved of the duties of superintendent of public edifices, which might very advantageously be assigned to the present superintendent of weights and measures, at the salary now received by him. Of course, the legislature will require these weights and measures to be made within our own state.

I herewith communicate the report of our worthy vaccine agent. His operations during the last year have been quite important to the state.

I also herewith communicate the report of the weighmaster of live stock.

The reports of the register of the land office; of the superintendent of weights and measures; of the weighmaster of live stock, and of the vaccine agent, are not now required by law, but were called for by me, that I might present a complete view of the condition of the commonwealth. I recommend that a law be passed, requiring in future, annual reports from those officers.

By act passed March 14th, 1840, "providing for the payment of slaves condemned to death or transportation," it is enacted, that "the justices who shall condemn such slave, shall value him or her at the cash price for which he or she would, in their opinion, sell at public sale, under a knowledge of his or her guilt." This law regards the slave condemned to death, as diminished in value by his sentence, and designs to pay to his owner only such value. Practically, however, this intention is disregarded, and a price is generally fixed upon condemned slaves, that they would not command in our best market, if free from all exception. The slaves who were condemned to death, and reprieved for transportation during the last five years, were priced by the courts at the aggregate sum of \$26,108 74, besides the cost of transporting them to the penitentiary; on the sale of whom, only \$20,715 96 have been obtained. Various ineffectual efforts have been made to fix the prices of slaves according to the intention of the act above recited, and further legislation is clearly necessary. I cannot see the propriety of the state taking possession of a slave reprieved for transportation, removing him at a heavy expense to the penitentiary, and then submitting to a loss upon his sale; and I therefore recommend, that upon the reprieve of a slave for transportation, such slave be still regarded as the property of his master, to whom he shall be delivered upon his giving bond and security for his removal from the commonwealth; the slave to be retained in jail, at the cost of his master, until he is ready to remove him. The owner would then certainly receive the sum for which he would "sell at public sale, under a knowledge of his or her guilt;" and the intention of the legislature would be fully executed.

I again respectfully ask your attention to our usury laws. From much experience in the business affairs of men, I am satisfied they ought to be repealed; for, undoubtedly, they increase the price of money by increasing the hazard of losing it, and frequently cripple business by preventing conscientious men from lending at current rates, who, sooner than violate the law, will keep their money by them idle and unproductive.

Usury, as originally understood, was the taking of any increase for the loan of money. The Israelites were forbidden to lend money at usury to their brethren. Says Moses, "Thou shalt not give him thy money upon usury, nor lend him thy victuals upon increase."

This ordinance of the Great Lawgiver was adopted by the Christian Church, and for centuries its violation was denounced as a mortal sin, and enforced with such severity as to throw the business of lending money into the hands of the Jews and Lombards. At length the error of this policy became so apparent, and its injurious effects so serious, that the political power of the state was compelled to interfere, and about four hundred years ago it was made lawful to lend money upon increase. But wedded to ancient error, and yielding to the religious prejudices of the day, our ancestors, established a rate of interest which all persons were forbidden to exceed under heavy penalties. And such has remained the policy of the most enlightened nations, until the reign of her present majesty the Queen of England, during

which the laws of usury have been repealed in her dominions, except in relation to loans on mortgages; and they have also been extensively modified in many of the states of our Federal Union. During this whole period, under the Mosaic dispensation, the canons of the Christian Church, and the acts and rescripts of political power, it may be safely affirmed that the practice of usury has never ceased. This long experience of the utter inability of laws, sacred and profane, to prevent loans on usury ought to satisfy every statesman that the policy is radically wrong, and contrary to some great principle of public necessity, and ought therefore to be abandoned.

The true definition of interest is the price paid for the use of money, which price is wholly dependent upon demand and supply. It is manifestly impossible for laws to regulate such price; depending as it does upon the various operations and wants of men. Our ancestors attempted in vain to regulate the price of labour and commodities; the remnants of which policy still remain to us in the offences of forestalling, regrating and engrossing, and combinations among workmen to raise wages. These laws are practically obsolete, but are not more distinguished for folly than the policy which still maintains the usury laws.

The great argument in favour of these laws, is that they will protect the borrower against the rapacity of the money lender. But is that the fact? Do we not know it to be otherwise? The hazard of losing any commodity, not money, however, more than anything else, always enters into the price demanded for its use. If you leave men to regulate this element, the borrower to reduce the hazard by increasing the certainty of his security, the rate will necessarily be much diminished. This is not only known to be true from the conclusions of all writers upon political economy, but from the higher evidence of our own reason and experience. But when the law steps in, and disregarding the security which the borrower may have given, confers on him the power of paying or not at his will, the hazard becomes obviously so imminent, that no lender will incur it without the only indemnity at his command, a premium sufficiently large to cover the losses occasionally to be expected from the dishonest borrower.

It is in vain for the law to attempt to regulate the dealings of men in money. It may corrupt them, it may continue to sacrifice thousands, as it has heretofore done, but the practice of usury will continue so long as it is interdicted by law. No man will pay six per cent. for money when he can obtain it for five per cent.; nor will he lend money at six when it is worth seven in the market; and the inevitable consequence of legal restraints upon money dealing is to diminish the supply, and of course to enhance the price. By repealing the usury laws, and allowing every man to be his own chapman, competition would prevent the making of extraordinary profits, just as certainly as it now does in every other department of capital and industry. The Bank of England is, I believe, now taking three per cent. on loans of money; while about two years ago it discounted at the rate of eight per cent., with immense advantages, no doubt, to the business interests of that kingdom. Had the bank been prohibited from discounting at that

rate, and had therefore wholly declined affording such facilities, many a commercial house would have been declared bankrupt at once, or have fallen into the hands of usurers ultimately for a similar destiny, which is now in high credit and prosperous condition. Thoroughly satisfied that the usury laws are immoral in their tendencies, pernicious in their effects, and destructive to those they undertake to befriend, I urgently recommend their unconditional repeal.

The debt due from Henry and Emory college is still without a prospect of payment ; but I respectfully recommend for adoption the plan for the liquidation of the interest annually falling due thereon, which will be found in the annual report of the superintendent of the Literary fund. Should this plan be adopted by the general assembly, this institution will materially aid in supplying our state with well educated teachers. I respectfully refer you to the above report for information of the detailed progress of our educational system.

I think it very important to the interests of education, that a uniform set of school books should be carefully selected and adopted for general use in the state. The practice now is, to change school books with every change of teachers, to the injury of the scholar, and at no slight expense to parents. Some of the school books in use are also found to contain exceptionable sentiments. These objections would all be obviated if the plan suggested were adopted. I respectfully recommend it to your consideration.

The University of Virginia, around which so many of our hopes have clustered, is moving steadily onwards in her career of public usefulness, cheered by her increasing prosperity in the performance of her various and important duties.

I herewith communicate the report of the visitors of the deaf, dumb and the blind, with its accompanying documents. It will be observed that increased accommodations are desired, and that the sum of \$14,000 is requisite to supply them. I am not sufficiently informed as to the propriety of making this appropriation, to advise upon it. But so recently as October 1847, the principal of the deaf mute department, in his annual communication to the visitors, in speaking of the accommodations provided for the deaf, dumb and the blind, eloquently says, that "it is a subject of gratulation to all friends of humanity, in common with yourselves, that so many children of misfortune have furnished forth to them here, a home unsurpassed, I might say unequalled, in this country, for the spacious and comfortable accommodations afforded, the substantial elegance of its appearance, and for the beauty and salubrity of its site."

I herewith communicate the reports of the superintendents of our lunatic asylums.

I herewith also communicate the report of the board of visitors of the Virginia military institute. This institution is realizing the fullest expectations of its most ardent and enthusiastic friends, and is entitled to the favour of the state and her authorities.

I herewith communicate the report of Alexandre Vattemare, our state agent for international exchanges ; and also, particular instructions as to the manner of collecting and preparing objects of natural history,

&c. I respectfully recommend this agency to the continued favour of the general assembly. The system of international exchanges, to which Mr. Vattermare has devoted his time and fortune for the last twenty years of his life, is one by which a large amount of good may be effected at an inconsiderable expense, and commends itself to the best feelings of our nature. I recommend that the appropriation be increased to the sum originally expected, and that it be made permanent.

I also communicate herewith the various reports of the several banks of our state, with the single exception of the Merchants and Mechanics Bank of Wheeling. The exceptionable practice of our banks, upon which in my two preceding messages I freely animadverted, still continues. It is unaccountable to me that the banks of this city should permit specie to be daily quoted at a premium, establishing the depreciation of the currency in ordinary use, and reflecting strongly, in my judgment, upon the proper character of our institutions. This practice has been the subject of frequent conversation and remark here, as well as of severe animadversion in the monied circles of other states, and is really injurious to our public reputation. Still it continues, without prospect of change from the voluntary action of the banks as now administered; and I therefore recommend that a law be passed, giving to the state the appointment of a majority of the directors, who, as representing a state policy, and having the power, would no doubt deem it their duty to arrest this exceptionable practice.

I ask attention to the report of the adjutant general, herewith communicated. Our present militia system requires thorough reform. As it is, it wastes the time of the people, leads to dissipation, and is a tax upon the treasury, without one redeeming advantage. The enrolment, requisite to obtain our proportion of the appropriation by the federal government for arming the militia does not make it necessary, for it can be made more thorough and complete by a different system. In every point of view, I recommend this subject to your careful consideration.

I herewith communicate the resignations of Gen. Evan S. Pindall of the 10th brigade, 3d division, and of Gen. Thomas H. Botts, 1st brigade, 2d division of the Virginia militia.

The public guard maintains its beautiful efficiency; and the public armory displays that admirable neatness and order which may always be expected at a military post, in charge of the spirited and accomplished soldier.

It is known to you, gentlemen, that the armory occupies a very low position. Surrounded by large bodies of water, it is rarely free from the influence of a damp atmosphere, which greatly increases the difficulty of preserving the public arms from rust and decay. It has also a large manufactory of iron immediately adjoining, which is a source of danger and annoyance. It is also, from its age, in many of its parts, in a state of dilapidation, and will, in a short time, require extensive repairs. Looking to these facts, I am satisfied that it is much to the interest of the state to change the site of this establishment; and that this change can be most advantageously effected, without a tax upon the treasury.

The armory property is probably the most valuable in this city for manufacturing purposes. With a water front on the canal of five hundred feet, running back to the river, it affords sufficient distance and fall to operate the water from the canal three times over before it finally disembogues into the river. Undoubtedly, it will command a sufficient sum to purchase a more eligible location, and to reconstruct the necessary establishment, with all the improvements of modern experience. But if it be your pleasure to apply the annual appropriation for the public guard to the support of a military school, which I earnestly recommend, then the sale of the armory property will be indispensable, it being wholly unsuited to such design. With these suggestions, I respectfully submit the subject for your consideration.

By the fourteenth section of the act, passed March 19, 1820, entitled "an act to amend the several laws concerning the penitentiary institution," it is made "the duty of the executive to report to the general assembly, at each session, every case of pardon granted by them." Although this act has never been complied with in a single instance, and has consequently grown into disuse, recent circumstances have drawn my attention to it; and in a subsequent message, which I shall do myself the honour to communicate to you, I will comply with its requirement.

The term of the gubernatorial office commences at a most inconvenient time, in the midst of winter, at the close of one year and the beginning of another; and the governor elect is called upon to abandon his private affairs, and speed with all diligence to the seat of government, that he may commence at the proper time his official career. The removal of his family is impracticable, not only from want of time but from the natural inclemency of the weather; and should he reside in remote parts of the commonwealth, it would be impossible for him to receive notice of his election, and be in place at the commencement of his official term. To obviate these inconveniences, and other objections which readily suggest themselves, I recommend that it be provided by law that the gubernatorial term shall commence on the first day of October next, and on the first day of the same month every third year thereafter, instead of that now fixed by law. Many of the reasons for this change so readily present themselves, that I shall not give them here; but I will remark, that the first day of October is the commencement of our fiscal year; the period up to which the various state agencies are directed to make their annual reports; at which the term for which members of assembly are elected begins, and at which for the sake of uniformity alone there would be a peculiar propriety for the commencement of the gubernatorial term.

In connexion with this subject, I respectfully submit for your consideration the propriety of increasing the salary of the governor. As now fixed by law it is not only no equivalent for the sacrifice of private interests which this officer must make, but it is inadequate for the support of the proper hospitalities of the government house. You can well imagine, gentlemen, how mortifying it must be to the man you may honour with this high office, if without private fortune, to be compelled to decline it, or if he accept it, to deny himself the endearments

of his family; and the practice of that hospitality so pleasant and so natural to every Virginian, and which our chief magistrate should take especial pleasure in extending to every distinguished stranger. I make these suggestions from a sense of duty to the state and to my successors, and with the more satisfaction that they can under no circumstances enure to my advantage. With these remarks, I confide this subject to your pride and sense of justice.

In my last annual message, I informed you that the regiment we had furnished at the call of our country, to aid in the Mexican war, had not had the good fortune to win honours on the field of battle. I have now to inform you, that this war having been closed, our regiment has returned home, in fine health, but little diminished in numbers by death, and with a high character for soldierly efficiency have been honourably discharged from the public service.

By the war with Mexico, which has been closed by an honourable peace, we have greatly elevated the American name, and largely extended our federal limits. Within this acquisition is to be found, I have no doubt, the richest country of the earth, affording to every citizen ample scope for his enterprise and industry.

But, gentlemen, I regret to see a determination manifested in certain sections of our Union to exclude our southern population from our new acquisitions. I am mortified also to believe that this determination is the result in part of the conviction that we will submit to such exclusion. It is my anxious desire to see this question settled during the session of congress, which commences this day; but if not, I have great confidence in the patriotism of the senate of the United States, and have strong hope, from the position and character of the president elect, that he will not permit this unjust and oppressive policy to be consummated by giving to it his official sanction. If, however, the policy of exclusion should prevail by the passage of the Wilmot proviso, or any other kindred measure, then indeed the day of compromise will have past, and the dissolution of our great and glorious Union will become necessary and inevitable. May God in his mercy, however, pass this cup from our lips. In the meantime, I recommend the passage of firm and temperate resolves, similar in character and principle to those unanimously adopted by the general assembly on the 8th day of March 1847.

I have thus, gentlemen, presented to you my views of the condition of the commonwealth, and such measures as are calculated to increase her prosperity. Before closing my last annual message, however, I must ask your attention to a brief statement of the leading measures that I have recommended, and the principles and feelings which have governed me.

In my first message, I recommended the call of a state convention, for the purpose of revising our state constitution; but the people did not seem to feel any great anxiety about it, and I have forborne since to urge it. My opinion, however, is unchanged, for I am decidedly in favour of the measure. Deeming a system of internal improvements indispensable to the prosperity of the state, I embraced the first opportunity, earnestly, and almost passionately, to press it upon your atten-

tion ; but I advised most anxiously that we should select one, or at most two, great enterprises, and concentrate our resources upon them, until they should be completed, leaving all secondary improvements to a future day. Such has been my policy in this respect, perseveringly enforced ; and I cheerfully leave its wisdom to the test of the public judgment. Seeing, in my opinion, defects in our judicial system affecting seriously the pure, sound and certain administration of justice, I have pointed them out repeatedly, with a hope that you might undertake their reform. Considering it important to the success of that career of enterprise and industry, in which I hoped to see our state vigorously engage, that all the capital held by her citizens should be liberated, I have recommended from time to time the repeal of the usury laws. Looking to our social state, and finding that it embraced two races and three classes of people, each governed by different laws : one of them, the free negroes, hopelessly degraded here, impairing essentially the value of the slave, and sapping seriously the character of a portion of the whites, I could not see this state of things and be silent—and, accordingly, I have repeatedly recommended measures for its improvement. These, and numerous other measures of secondary importance, embracing, however, various and important educational suggestions, are the means by which I have proposed to improve our physical, social, intellectual and moral condition. And, after my best reflections, I persuade myself that there is not one of these which, if fully carried out, would not conduce to the real prosperity of our state.

In reference to the principles by which I have been governed, I can truly say that the great and controlling one, has been fidelity to the high and honourable trust which has been confided to me. The various measures which I have recommended, have not in any instance been the result of selfish considerations, but of a sincere desire to promote the best interests of our state ; and I feel that I may claim this character from the public judgment, when it is remembered, that there is scarcely an important interest that I have not at some time or other interfered with and opposed.

In a few days, and I shall be an humble unit of that mighty aggregate which makes this great republic. With our country at peace with all the world, and overflowing with every blessing ; with a fame rapidly rising in the estimation of nations, and already distinguished as the model republic, I shall leave you cheered and animated by these auspicious circumstances, to the active performance of your patriotic duties.

In the little world of my own domestic happiness and toil, to which I shall cheerfully retire, I shall feel many an anxiety for the wisdom and success of your measures ; and shall ever cherish the passionate hope, that our noble old commonwealth may rapidly grow in riches and in honours, and that our glorious Union may endure until Time himself shall be no more—*esto perpetua*.

WM. SMITH.

December 4th, 1848.

[A.]

COMPARATIVE VIEW

Of Auditor's Revenue Table No. 3, for 1846, 1847 and 1848.

	1846.		1847.		1848.	
	No.	Tax.	No.	Tax.	No.	Tax.
Lots, - - -	-	51,831 95	-	57,001 95	-	59,938 36
Lands, - - -	-	189,282 41	-	191,413 17	-	192,459 62
Slaves, - - -	251,320	80,422 40	252,317	80,741 44	251,840	80,588 80
Horses, mares, &c. -	315,949	31,594 90	315,924	31,592 40	309,962	30,996 20
Gold watches, - -	8,689	8,689 00	9,378	9,378 00	9,938	9,938 00
Patent lever and lepine silver watches, - -	4,062	2,031 00	4,332	2,166 00	4,613	2,306 50
Silver and metal'c watches, -	13,199	3,299 75	12,961	3,240 25	12,918	3,229 50
Brass and metallic clocks, -	21,887	5,469 25	26,018	6,504 50	29,512	7,378 00
Other clocks, - -	36,498	4,562 25	36,658	4,582 25	36,483	4,560 37
Rid'g or pleasure carriages, -	11,853	20,592 88	12,865	21,413 05	13,907	22,557 98
Stage coaches, - -	74	244 05	85	231 83	73	291 45
Jersey wagons and car-ryalls, - - -	2,105	1,442 19	2,089	1,438 56	2,089	1,487 09
Gigs, - - -	4,361	2,293 20	3,845	1,963 71	3,631	1,772 75
Pianos, - - -	3,071	6,892 10	3,318	7,594 54	3,504	7,996 43
Harps, - - -	-	Not taxed,	-	Not taxed,	7	60 00
Gold or silver plate, -	-	2,381 22	-	2,488 82	-	2,457 34
Interest or profits, - -	-	11,757 25	-	12,381 58	-	13,459 74
Income, - - -	-	4,454 46	-	4,209 70	-	4,328 07
Attorneys, - - -	-	3,286 00	-	5,160 00	-	5,320 00
Physicians, - - -	-	3,670 00	-	7,585 00	-	7,875 00
Dentists,* - - -	-	185 00	-	340 00	-	355 00
Bridges, - - -	-	157 11	-	160 50	-	292 50
Ferries, - - -	-	248 50	-	237 64	-	141 36
Newspaper print'g presses, -	-	310 50	-	330 50	-	355 00
Collateral inheritances, -	-	3,056 04	-	694 83	-	1,043 57
		438,153 41	-	452,850 22	-	461,188 63
Licenses to merch'ts, auctioneers, brokers, vendors patent medicines, -	-	103,314 94	-	108,164 94	-	116,877 41
Pedlars, - - -	-	4,812 00	-	5,351 28	-	5,891 25
Ordinary keepers, - -	-	18,974 57	-	19,913 69	-	20,747 79
Houses private entertainment, - - -	-	3,498 01	-	3,574 34	-	3,508 89
Lottery tickets, - -	-	18,000 00	-	20,000 00	-	22,000 00
Shows, - - -	-	482 00	-	854 00	-	2,159 00
Insurance, - - -	-	2,876 80	-	2,991 67	-	3,368 07
Dentists,* - - -	-	30 00	-	10 00	-	40 00
Billiard tables, - -	-	Not taxed,	-	2,099 89	-	3,408 88
Ten pin alleys, - -	-	"	-	710 55	-	663 88
Studs, - - -	-	5,002 00	-	4,970 00	-	5,778 64
		595,143 73	-	621,490 58†	-	645,631 44
Deduct estimated am't of insolvents, overcharges and sheriff's commis'n, -	-	46,045 18	-	48,000 00	-	48,700 00
		549,098 55	-	573,490 58	-	596,931 44
Estimated am't of revenue tax from Russell—commiss'ers' books not rec'd, -	-	1,260 00	-	-	-	1,100 00
Do. Floyd and Wirt do. -	-	-	-	-	-	-
		\$ 550,358 55		\$ 573,490 58		\$ 598,031 44

† Embracing about \$12,800 from Alexandria, retroceded to Virginia.

On motion of Mr. PANNELL,

Ordered, That the communication be laid upon the table.

Mr. STOVALL presented a petition of William A. Scott, contesting the election of GEORGE W. KYLE, Esq. the delegate returned from the county of Buckingham, which was ordered to be referred to the committee of privileges and elections, when the same shall be announced by the SPEAKER.

On motion of Mr. PANNELL,

Resolved, That the committee of roads and internal navigation, hereafter to be appointed, enquire into the expediency of amending the charter of the Fredericksburg and Blue Ridge railroad company and extending aid to the same.

On motion of Mr. BURWELL,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of subscribing on behalf of the commonwealth to the capital stock of the Lynchburg and Tennessee railroad company.

On motion of Mr. STOVALL,

Ordered, That the hour of meeting shall be 12 o'clock, until otherwise ordered.

And then, on motion of Mr. STOVALL,

The house adjourned until to-morrow 12 o'clock.

TUESDAY, DECEMBER 5, 1848.

The SPEAKER announced the following committees:

A Committee of Privileges and Elections—Messrs. Wood, Vaughan, Watson, Pannell, Thomson of Jefferson, Barbour, Booth, Tomlin and Sheffey.

A Committee for Courts of Justice—Messrs. Moncure of Stafford, Floyd, Scott, Claiborne, Strother, Jones, Mayo, Ferguson, Irving of Cumberland, Vaughan, Paxton, Worthington and Faulkner.

A Committee of Schools and Colleges—Messrs. Whittle, Coleman, Burwell, Wootton, Hart, George, Dorman, Shepard, Howard of Williamsburg, Arnett, Smith, Newman and Beard.

A Committee of Propositions and Grievances—Messrs. Jones, Major, Mitchell, Hiner, Perrow, Cook, Grasty, Carroll, Laidley, Nock, M'Cue, M'Donald and Aston.

A Committee of Claims—Messrs. Powell, Cheatham, Welton, Harris, Harrison of Loudoun, Fugate, Clendenin, Allen, Cardwell, Houser, Thomas, Pitman and Moore.

A Committee of Roads and Internal Navigation—Messrs. Floyd, Layne of Alleghany, Townes, Thompson of Botetourt, Wills, Paxton, Pitts, Conway, Yerby, Boisseau, Price, Rives and Syme.

A Committee of Finance—Messrs. Stovall, Strother, Martz, Pitts, Cook, Mayo, Herbert, Smith and Sydnor.

A Committee to examine the Penitentiary Institution—Messrs. Beirne of Monroe, Lancaster, Hargrave, Turner, Maclin of Greenville, Clarke and Sibert.

On motion of Mr. PANNELL, the governor's message which was laid on the table on yesterday, was taken up and read, and then, on motion of Mr. STOVALL, ordered to be again laid upon the table.

On motion of Mr. SHEFFEY,

Resolved, That so much of the governor's message as relates to the lunatic asylums be referred to the committee on lunatic asylums.

On motion of Mr. MARTZ,

Resolved, That so much of the governor's message as relates to the usury laws be referred to the committee for courts of justice.

On motion of Mr. WHITTLE,

Resolved, That the committee on claims enquire into the expediency of paying Robert F. Astrop for money expended and for services rendered as second lieutenant of the regiment of Virginia volunteers during the late Mexican war.

On motion of Mr. FAULKNER,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of so amending the acts passed on the 24th day of March 1838, and the 24th day of March 1848, in relation to the Martinsburg and Winchester turnpike company, as to provide that the said road may, in its construction, be divided into two sections, and to make the subscription heretofore authorized by the state, with the various provisions relating thereto, to conform to the division into sections as aforesaid.

On motion of Mr. WHITTLE,

Resolved, That the committee on claims enquire into the expediency of allowing to Samuel S. Simmons the sum of sixteen dollars, with interest, for services rendered as adjutant to the 98th regiment.

On motion of Mr. FAULKNER,

Resolved, That the committee on agriculture and manufactures be instructed to enquire into the expediency of incorporating the Virginia Cannal coal company, and that they have leave to report by bill or otherwise.

On motion of Mr. ROBINSON,

Resolved, That the committee of propositions and grievances be instructed to enquire into the expediency of altering and amending the charter of the City of Norfolk, passed February 13th, 1845.

On motion of Mr. STOVALL,

Resolved, That the reporters for the several newspapers in this city be allowed seats within the bar of the house for the purpose of reporting its proceedings.

On motion of Mr. HINER,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of passing an act to amend the act, entitled "an act to amend the act passed March the 22d, 1847, incorporating the Moorfield and North branch turnpike company," passed March 10th, 1848, so as to extend the said road from Petersburg in the county of Hardy, to the town of Franklin in the county of Pendleton, upon the same terms and conditions mentioned in the amended act above cited.

On motion of Mr. SEGAR,

Resolved, That the committee of propositions and grievances be instructed to enquire into the expediency of so amending the act passed January 4th, 1805, entitled "an act to prevent the hauling of seines at certain places within certain periods annually," as to allow the hauling of seines in any waters below Hampton Roads and Old Point Comfort and within the jurisdiction of Elizabeth City county, at any time between the 15th day of August and the 15th day of June of every year.

On motion of Mr. MAYO,

Resolved, That the committee for courts of justice enquire into the expediency of extending the jurisdiction of a single justice of the peace of the City of Richmond, in debt, *detinue* and *trover*, to fifty dollars, and to authorize executions on bonds taken by the high constable of said city to be directed to the said constable, and that they have leave to report by bill or otherwise.

On motion of Mr. KILBY,

Resolved, That the committee for courts of justice enquire into the expediency of so amending the act of assembly passed 31st March 1848, as requires clerks of courts to copy partly proved deeds in books, &c. so as exempt them from such duty unless requested by some one interested.

On motion of Mr. FERGUSON,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of repealing so much of the act passed the 22d February 1819, entitled "an act to reduce into one the several acts for regulating ordinaries and houses of private entertainment, and for the restraint of tippling houses," as imposes a fine of thirty dollars upon persons receiving pay for dieting, &c. within eight hundred yards of a public highway without a license therefor.

Mr. SHERFEY presented a petition of citizens of the county of Augusta, praying that the capital stock of the Louisa railroad company may be increased, and that an appropriation may be made for the purpose of tunnelling the Blue Ridge and for the construction of a railroad from some point near the head of steamboat navigation on the Kanawha river, to some point at or near Covington.

Mr. COOK, a petition of citizens of the county of Roanoke and the adjoining counties, praying the extension of the James river canal to the tidewater at the City of Richmond.

Mr. WILLS, a petition of the stockholders of the Lynchburg and Tennessee railroad company, asking for a subscription on the part of the state for three fifths of the amount of the capital stock necessary to complete the work to the Tennessee line.

And a petition of the citizens of the town of Lynchburg, praying that aid be granted to the James river and Kanawha company to enable them to connect their canal with the tidewater at Richmond.

Mr. DARRACOTT, a petition of the Louisa railroad company, for an appropriation to extend their road from the Junction to the City of Richmond.

Mr. THOMPSON of Botetourt, a petition of citizens of the county of Botetourt, for the incorporation of a company to improve or construct a road from Fincastle to Price's mountain in said county.

Mr. **BOYERS**, a petition of citizens of the county of Tyler, praying that Sanco creek in said county may be declared a public highway.

And a petition of other citizens of the same county, praying that Point Pleasant creek and Elk fork, a branch of Point Pleasant creek, may be declared public highways.

Mr. **PITTS**, a petition of Daniel Zane of the county of Ohio, asking for wharfing privileges on Zane's island in the Ohio river.

Mr. **CONWAY**, a petition of citizens of the town of Fredericksburg, asking an amendment of the charter of the Fredericksburg and Blue Ridge railroad company, and a subscription on the part of the state to the stock of said company.

Mr. **SMITH**, a petition of D. Boyd Smith, praying the incorporation of the Marion railway company in the town of Alexandria.

Mr. **FERGUSON**, a petition of citizens of the county of Wayne, for the incorporation of a company to improve the navigation of Twelve pole river.

Mr. **GOFF**, a petition of citizens of the county of Randolph, for an appropriation to construct a road from John A. Hutter's upon the Staunton and Parkersburg road, to Lewisburg.

Ordered, That the said petitions be referred to the committee of roads and internal navigation.

Mr. **STOVALL** presented a petition of Alexander L. Peters and others of the county of Halifax, praying for the removal of the separate election now authorized to be held at Locust Level to Meadesville in said county.

On motion of Mr. **WHITTLE**, leave was given to withdraw the petition of J. and L. W. Wimbish, presented at the last session of the general assembly, asking for the establishment of a ferry across the Roanoke river near the town of Clarksville in the county of Mecklenburg; thereupon, Mr. **WHITTLE** again presented the same.

Mr. **FAULKNER** presented a petition of the trustees and citizens of the town of Martinsburg in the county of Berkeley, praying the passage of an act authorizing the said trustees to convey a portion of Race street in said town to the Baltimore and Ohio railroad company.

And a petition of the citizens of the town of Darkesville in the same county, for the repeal of so much of an act passed on the 16th of March 1847, as prescribes the mode of electing trustees for said town and vesting them with certain corporate powers.

Mr. **PITTS**, a petition of citizens of the county of Ohio, for the establishment of five additional separate election precincts in said county.

Mr. **DECAMPS**, a petition of the citizens of the town of New Cumberland and others of the county of Hancock, for locating the seat of justice of the said county in the said town.

Mr. **BOYD**, a petition of citizens of the county of Wythe, for a separate election at the house of Adam Rosenbaum deceased, in said county.

Mr. **EDWARDS**, a petition of citizens of the county of Franklin, for a separate election at the house of Thomas F. Hatcher in said county.

Mr. **FERGUSON**, a petition of citizens of the county of Logan, for the formation of a new county out of a part of said county.

Mr. HINER, a petition of citizens of the county of Pendleton, for the establishment of a separate election at the new schoolhouse on the land of William Vint in said county.

Mr. GORR, a petition of citizens of the county of Barbour, for a separate election at the house of Charles Zinn, in said county :

And a petition of citizens of the county of Randolph, for a separate election at the house of Charles C. See, in said county.

Mr. LAIDLEY, a petition of citizens of the county of Putnam, praying a change in a portion of the boundary line of said county.

Ordered, That said petitions be referred to the committee of propositions and grievances.

Mr. STOVALL presented a petition of Nathaniel H. Poindexter, of the county of Halifax, asking that a sum of money erroneously charged to him on account of a tavern license may be refunded.

Mr. FERGUSON, a petition of Joel Ferguson and others, citizens of the county of Wayne, for the remission of a fine of thirty dollars imposed upon the said Ferguson for charging for dieting without a license.

Mr. LAIDLEY, a petition of Thomas Tavenner of the county of Wood, for the release to him of the commonwealth's right to a tract of land in said county :

And a petition of H. H. Dels, in behalf of John A. Kinnard, sheriff of Wood county, to be released from the payment of a judgment obtained against him in the general court for failing to pay the taxes of said county within the time prescribed by law.

Ordered, That the said petitions be referred to the committee of claims.

Mr. HIETT presented a petition of the citizens of the county of Hampshire, Hardy and Frederick, for the passage of an act granting to Joseph Alexander, a free man of colour, permission to remain in the commonwealth.

Mr. FERGUSON, a petition of Ulysses Hinchman, of the county of Logan, for the passage of an act legalizing his appointment by the court of said county, to solemnize the rites of matrimony, and also to legalize the marriages heretofore solemnized by him.

Mr. BYRNE of Braxton and Lewis, a petition of citizens of the county of Braxton, asking to change the time of holding the county courts of said county.

Ordered, That the said petitions be referred to the committee for courts of justice.

Mr. WORTHINGTON presented a petition of the board of school commissioners of the county of Jefferson, praying alterations of the act incorporating said board, passed March 27th, 1848, which was ordered to be referred to the committee of schools and colleges.

Mr. KILBY presented a petition of citizens of the town of Suffolk, asking for the incorporation of a savings bank in said town, which was ordered to be referred to the committee on banks.

On motion of Mr. Cook, the house adjourned until to-morrow 12 o'clock.

WEDNESDAY, DECEMBER 6, 1848.

The **SPEAKER** announced the following additional committees, appointed under the rules, viz :

A Committee on the Militia Laws—Messrs. Dorman, Guerrant, Buswell, Townes, Allen, Robinson and White.

A Committee to examine the Public Armory—Messrs. Shepard, Howard of Floyd, Hiner, Cowper, Harper, Basye, Rector, Edmondson, Thomas, Massey, Kilby, Gustin and M'Cue.

A Committee to examine the Executive Expenditures of the current year—Messrs. Barbour, Perrow, Harrison of Brunswick, Edwards, Mullin, Walton and Laidley.

A Committee to examine the First Auditor's Office—Messrs. Lacy, Baily, Harper, Griffin, Tanzey, Goff and Fairfax.

A Committee to examine the Second Auditor's Office—Messrs. Hiatt, Wallace, M'Clung, Rector, Harvey, Cackley and Nicholson.

A Committee to examine the Clerk's Office—Messrs. Bassel, Clifton, Collins, Webb, Moncure of Caroline, Barnett and Gustin.

A Committee to examine the Register's Office—Messrs. Butt, Finney, Lane of Lee, Kyle, Maclin of Brunswick, Byrne of Lewis, and Decamps.

A Committee to act jointly with a committee of the Senate to examine the Treasurer's Accounts—Messrs. Segar, Boyers, Thompson of Smyth, Massey, Irvine of Campbell, Byrd, and Harrison of Prince William.

A Committee to act jointly with a committee of the Senate to examine the Bonds of Public Officers—Messrs. Thomas, Thompson of Smyth, Harris, Stillman, Hargrave, Boyd and Martz.

A Committee to act jointly with a committee of the Senate on the Public Library—Messrs. Faulkner, Tomlin, Lacy, Coleman, Darracott, Rives, and Harrison of Loudoun.

A Committee on Agriculture and Manufactures—Messrs. Herbert, Darracott, Edmondson, Hart, Gnerrant, Mitchell, Byrd, Edwards, Clarke, Beard, Butt, Harrison of Brunswick, and Harvey.

A Committee to examine the Enrolled Bills—Messrs. Stillman, Boyers, Cowper, Maclin of Brunswick, Kilby, Baily and Collins.

A Committee to examine the Lunatic Asylums of the Commonwealth—Messrs. Yerby, Boykin, Clifton, Nicholson, Howard of Williamsburg, Sheffey and Robinson.

A Committee on the Banks of the Commonwealth—Messrs. Conway, Syme, Robinson, Wills, Powell, Mayo, Major, Segar, Pitman, Harrison of Loudoun, and Boykin.

A Committee on Trade and Mechanic Arts—Messrs. Layne of Alleghany, George, Clendenin, Sibert, Maclin of Greenville, Burdett, Boak, Buswell, Lancaster, Cheatham and Wills.

The **SPEAKER** laid before the house a communication from the clerk, submitting the abstract required by law, from the reports of the clerks of the court of appeals and of the circuit superior courts of law and chancery, exhibiting the state of the suits instituted in their re-

spective courts and the number of days the courts were in session during the year, ending the 30th of August 1848; which communication, on motion of Mr. SYME, was ordered to be laid upon the table.

On motion of Mr. SHEFFEY,

Ordered, That 500 copies thereof be printed for the use of the general assembly. [Doc. No. 25.]

On motion of Mr. SYME,

Resolved, That the committee on banks enquire into the expediency of authorizing the banks of this commonwealth to issue notes of a less denomination than five dollars.

On motion of Mr. PAXTON,

Resolved, That the committee of roads and internal navigation enquire into the expediency of constructing a railroad on state account from Buchanan to the Tennessee line.

On motion of Mr. LAYNE of Alleghany,

Resolved, That the committee of roads and internal navigation enquire into the expediency of constructing a railroad on state account from Covington to the Ohio river.

On motion of Mr. BOYERS,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of appropriating dollars for the completion of the Sistersville and Salem turnpike road.

On motion of Mr. ASTON,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of repealing so much of the criminal law of the last session as makes it penal to pass or receive any bank note of less denomination than five dollars, issued by a banking association or company in another state.

On motion of Mr. M'CUE,

Resolved, That it be referred to the committee for courts of justice to enquire into the expediency of amending so much of the 11th section of the act of assembly, styled "an act concerning delinquent and forfeited lands, and providing for the sale of lands returned delinquent hereafter for the nonpayment of taxes," passed March 15th, 1832, as relates to the posting by the collector or sheriff a list of such delinquent lands upon the courthouse door of his county, and in addition thereto, to require him to publish such list for three months in some newspaper in or nearest to the county in which such lands lie.

On motion of Mr. FINNEY,

Resolved, That the committee of propositions and grievances enquire into the expediency of dividing the county of Accomack according to the views of the people of said county as set forth in the poll-book accompanying this resolution.

On motion of Mr. WELTON,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of increasing the capital stock of the Hardy and Winchester turnpike company, and of the subscription thereto on the part of the state for the purpose of extending said road westward from Moorfield to some point on the Northwestern turnpike at or near Stoney river.

On motion of Mr. Goff,

Resolved, That the committee of roads and internal navigation enquire into the expediency of incorporating a joint stock company to construct a turnpike road from Philippi in the county of Barbour, to Buckhannon in the county of Lewis.

A motion was made by Mr. CLENDENIN, that the house adopt the following resolution :

Resolved, That the members of this house vacate their seats to-morrow at 12 o'clock M., and that the clerk number the same from 1 to 135 inclusive, and that it be then determined by ballot, conducted by the clerk under the supervision of the speaker, to whom the several seats shall be allotted during the present session.

A motion was made by Mr. MOORE to amend the same by substituting therefor the following :

Resolved, That the members occupying seats on the circumference of the hall be allowed the privilege, whenever disposed to make a motion or speech, to occupy any seat near the speaker's chair.

On motion of Mr. SYME, the resolution and proposed amendment were laid upon the table.

On motion of Mr. BURDETT,

Resolved, That the committee of schools and colleges be instructed to enquire into the expediency of making an appropriation to Rector college, conditioned upon said college repaying the same by the gratuitous education of indigent young men as teachers.

On motion of Mr. LAIDLEY,

Resolved, That this house, with the concurrence of the senate, proceed on Monday the 11th instant, to the election of a judge for the 18th circuit, made vacant by the resignation of Edwin S. Duncan.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. LAIDLEY,

Resolved, That the committee for courts of justice enquire into the expediency of forming a new judicial circuit out of parts of the 18th, 19th and 20th circuits.

On motion of Mr. SMITH,

Resolved, That the committee of finance be instructed to enquire into the expediency of releasing to the corporation of Alexandria the state's interest in the money advanced by this commonwealth under an act of the general assembly, passed 29th December 1790, for the erection of public buildings at the seat of the federal government.

On motion of Mr. MOORE,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of so extending the jurisdiction of justices of the peace, as to give them cognizance of all cases of assault and battery, which otherwise would come under the notice of the grand juries.

On motion of Mr. MOORE,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of declaring Mud river and the Beach fork of Twelve pole river in the counties of Cabell and

Wayne, navigable streams, and of preventing obstructions to the navigation of the said streams; also of prescribing regulations for the improvement of the navigation of said streams by the persons living upon and near the same.

On motion of Mr. MOORE,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of making an appropriation for the construction of a road from the forks of Sandy river in the county of Wayne, to intersect the Kanawha turnpike at some point in the county of Cabell.

On motion of Mr. MOORE,

Resolved, That ladies visiting the capitol shall be permitted to take seats in the hall.

On motion of Mr. LACY,

Resolved, That the committee of roads and internal navigation enquire into the expediency of authorizing Josiah C. Wilson to construct a wharf on his land on James river in the county of Charles City at his expense.

On motion of FUGATE,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of repealing so much of the 19th section of the 23d chapter of an act, entitled "an act to reduce into one the several acts concerning crimes and punishments, and proceedings in criminal cases," passed March 14th, 1848, as gives to the attorney for the commonwealth in the circuit superior court of law and chancery a fee of more than five dollars, and also as gives the attorney for the commonwealth in the county or corporation courts a fee of more than two dollars and fifty cents.

On motion of Mr. FERGUSON,

Resolved, That so much of the governor's message as relates to the banks of this commonwealth be referred to the committee on banks.

On motion of Mr. PANNELL,

Resolved, That so much of the governor's message relating to free negroes be referred to a special committee, with leave to report by bill or otherwise.

The SPEAKER deferred announcing said committee until to-morrow.

On motion of Mr. FUGATE,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of repealing so much of the 8th section of the 18th chapter of an act, entitled "an act to reduce into one the several acts concerning crimes and punishments, and proceedings in criminal cases," passed 14th of March 1848, as allows an individual to be indicted for a misdemeanor after he or she has been tried and acquitted by an examining court for the same offence.

On motion of Mr. FUGATE,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of allowing grand jurors a reasonable per diem compensation for their services.

On motion of Mr. MONCURE of Stafford,

Resolved, That a committee of seven members be appointed on the part of this house to act jointly with a committee to be appointed on

the part of the senate, for the purpose of reviewing, considering and reporting upon the reports which have been heretofore or may be hereafter made by the revisors of the Civil Code, and that such joint committee have power to appoint a clerk if one be deemed necessary by them.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. BASSEL,

Resolved, That this house will, with the consent of the senate, proceed on Monday, the 11th instant, to the election of a governor for this commonwealth.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. WILLS,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of so amending the act passed 14th March 1848, concerning crimes and punishments, and proceedings in criminal cases, as to authorize the judges of the circuit superior courts of law and chancery in vacation, to order the *venue* to be changed in criminal cases, in the same manner they may now do in court, by virtue of the 24th section of the act above recited; and also, to enquire into the expediency of authorizing the clerks of the courts, to or from which the trial may be sent, or any justice of the peace, to issue subpoenas for witnesses, as well on behalf of the commonwealth as the accused.

On motion of Mr. GOFF,

Resolved, That the committee of roads and internal navigation enquire into the expediency of making an appropriation to construct bridges across the Valley river and Felix's creek upon the Staunton and Parkersburg road.

Mr. WHITTLE presented on behalf of the author, for the use of the public library, two volumes of Kaufman's Mackeldey.

Mr. JONES, from the committee of propositions and grievances, presented the following bill:

No. 1. A bill to amend the act, entitled "an act to prevent the hauling of seines at certain periods annually," passed January 4th, 1805.

Mr. M'CUE presented a petition of citizens of the county of Augusta, asking aid for the extension of the Louisa railroad from its present terminus by tunnelling the Blue Ridge, and to its ultimate extension to the Ohio river.

Mr. BASSEL, a petition of John H. Griffith of the county of Harrison, for the passage of an act authorizing his milldam on the west fork of the Monongalia river to remain at its present height.

Mr. DORMAN, a memorial of citizens of the county of Harrison, remonstrating against the petition of said Griffith.

Mr. COLLINS, a petition of citizens of the county of Wood, for the incorporation of a company to construct a road from Williamsport, in said county, to some point on the Northwestern road, and asking aid from the state therefor.

And a petition of citizens of the county of Wood, praying the incorporation of a company to construct a railroad from Parkersburg to

some point on the Tygart's Valley river, to connect with the Baltimore and Ohio railroad.

Mr. FERGUSON, a petition of citizens of the county of Logan, for an appropriation for a road from the house of James Shannon, in said county, to the Mercer county line at a point known as the Bluffs.

On motion of Mr. PITTS, leave was given to withdraw the petition of citizens of the City of Wheeling and of Ohio county, for aid in the construction of a road from Wheeling to Clarksburg; and the memorial of the board of trade of the City of Wheeling upon the same subject; thereupon he again presented the same.

Mr. WALLACE presented a petition of Edward T. Tayloe, for authority to collect wharfage fees at his wharf on the Rappahannock river.

Mr. MAYO, a petition of citizens of the City of Richmond, praying that the state will guarantee the bonds of the James river and Kanawha company, to enable the company to finish the Richmond dock and to connect the same with the canal of said company.

Mr. CONWAY, a petition of the Rappahannock company, asking an additional loan upon the part of the state to the company to enable it to complete its improvement.

Ordered, That the said petitions be referred to the committee of roads and internal navigation.

Mr. BOOTH presented a petition of Theodorick Pryor, of the county of Nottoway, for the passage of an act authorizing the conveyance of certain real estate.

Mr. JONES, a petition of Harriet B. Farley, Ann E. Farley and Mary L. Farley, praying authority to sell the lands of Major D. Farley in the said county.

Ordered, That the said petitions be referred to the committee for courts of justice.

On motion of Mr. ROBINSON, leave was granted to withdraw the memorial of George M'Intosh and others, citizens of the City of Norfolk, concerning the election of officers in the Exchange Bank of Virginia and other matters connected with said bank, which was presented at the last session of the legislature; thereupon he again presented the same, and it was ordered to be referred to the committee on banks.

Mr. BASSEL presented a petition of citizens of the county of Lewis, for the establishment of a separate election at the house of John Helnick on Little Skin creek in said county.

On motion of Mr. BASSEL, leave was given to withdraw the petition of the Adelphi Lodge of Odd Fellows in the town of Clarksburg, praying for an act to incorporate the said lodge, presented at the last session of the general assembly; thereupon, he again presented the same.

Mr. THOMAS presented a petition of citizens of the county of Fairfax, to change the place of holding a separate election in said county.

Mr. CLENDENIN, a petition of citizens of the town of Point Pleasant in the county of Mason, asking that the powers of the town sergeant may be extended.

Also a petition of citizens of the county of Mason, for the establishment of a separate election on the Thirteen mile creek at the house of Apollo Stephen.

And a petition of other citizens of the same county, for the passage of an act to prevent the killing of deer at certain seasons.

Mr. COLLINS, a petition of citizens of the county of Wirt, to authorize a vote to be taken at the next election to designate the site for the seat of justice of said county.

And a petition of other citizens of the same county, for the establishment of a separate election at the house of John Coe in the town of Palestine in said county.

Mr. FERGUSON, a petition of citizens of the county of Cabell, for a separate election at the house of Mrs. Dicy Barrett, near the forks of Mud river.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

Mr. FUGATE presented a petition of David R. Lyttle, for the passage of an act authorizing the payment of his account for tuition of poor children in the county of Scott.

Mr. MARTZ presented a petition of Jacob Trumbo and others, for the payment to Reuben Dove of his account for tuition of poor children in the county of Rockingham.

Ordered, That the said petitions be referred to the committee of claims.

Mr. ARNETT presented a petition of John C. Williams, for the passage of an act incorporating the Piney run iron factory in the county of Marion, which was ordered to be referred to the committee of agriculture and manufactures.

On motion of Mr. HIETT, the house adjourned until to-morrow 12 o'clock.

THURSDAY, DECEMBER 7, 1848.

The SPEAKER, under the resolution submitted by Mr. PANNELL on yesterday, announced as the committee to whom was referred so much of the governor's message as relates to the removal of the free negroes from the commonwealth, the following: Messrs. Pannell, Finney, Cheatham, Irvine of Campbell, Watson, Boisseau, Barnett, Turner, Cackley, Goff, Lacy, Mullins and Wallace.

On motion of Mr. ROBINSON,

Resolved, That the committee on the militia be instructed to report bill No. 498 of last session for the better organization of the militia, with such amendments as they may deem necessary.

On motion of Mr. M'CUE,

Resolved, That so much of the governor's message as refers to an increase of the salary of the executive, be referred to the committee of propositions and grievances.

On motion of Mr. STROTHER,

Resolved, That the committee of roads and internal navigation enquire into the expediency of so amending the act "incorporating the Orange and Alexandria railroad company," passed March 27th, 1848,

in such manner as will authorize and require the Board of public works to subscribe for and take three fifths of the capital stock of said company, instead of two fifths of said stock as now required by said act.

On motion of Mr. NEWMAN,

Resolved, That this house will, with the consent of the senate, proceed by joint vote with that body on Thursday the 14th instant, to elect a general of the first brigade in place of general Thomas H. Botts resigned, and a general of the tenth brigade to supply the vacancy occasioned by the resignation of general Evan S. Pindall.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. PERROW,

Resolved, That the committee of roads and internal navigation enquire into the propriety of authorizing the Board of public works to cause a reconnoissance and survey of a route for a railroad connecting the Louisa railroad with the Lynchburg and Tennessee railroad from Charlottesville to Lynchburg, or from some point west of Charlottesville to Buchanan, and from thence to Salem.

On motion of Mr. FAULKNER,

Resolved, That so much of the governor's message as relates to the Virginia military institute, together with the report of the visitors and the documents accompanying the same, be referred to the committee on the militia laws.

On motion of Mr. BURWELL,

Resolved, That so much of the governor's message as relates to the sale of the armory buildings and to the application of the annual appropriation for the public guard to the support of a military school, be referred to the committee of schools and colleges.

On motion of Mr. THOMAS,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of providing by law for taking the relinquishment of dower in the estate of lunatics directed to be sold by the courts of the commonwealth or otherwise.

On motion of Mr. FLOYD,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of ordering a survey by a competent engineer of the North fork of the Holston river from the Tennessee line to Chathamhill in the county of Smyth; and also of the South fork of the same river from the Tennessee line to the junction of the Middle and South forks, and report the expense of rendering these streams navigable for downward navigation.

On motion of Mr. TURNER,

Resolved, That the committee of schools and colleges be instructed to enquire into the expediency of refunding to the school commissioners of Patrick county the sum of \$993 22, the same being the school quotas forfeited to the Literary fund by the said county under the act of 2d January 1835, ch. 8, § 5; having remained three years undrawn in the treasury.

On motion of Mr. DORMAN,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of incorporating a company

for the construction of a macadamized road from the town of Staunton to the town of Buchanan, connecting the Staunton and Winchester with the Southwestern macadamized road.

On motion of Mr. LAIDLEY,

Resolved, That the committee of propositions and grievances enquire into the expediency of prohibiting by law the taking of fish by nets or seines in the Great and Little Kanawha rivers, or in their tributaries, or in other tributaries of the Ohio in Virginia, by others than inhabitants of those counties through which such tributaries flow.

On motion of Mr. BOYERS,

Resolved, That the committee of propositions and grievances be instructed to enquire into the propriety of changing the place of holding a separate election in the town of Sistersville, Tyler county, from the house of William Russell to the public schoolhouse in said town.

On motion of Mr. SMITH,

Resolved, That the committee of schools and colleges be instructed to enquire into the expediency of placing the Female orphan asylum, and the Female free school of the town of Alexandria, on the footing of similar institutions as are provided for in the 8th section of an act to provide for cases in which the courts have failed to comply with the act of the 5th of March 1846, amending the present primary school system, and for other purposes, passed March 19th, 1847.

On motion of Mr. BASSEL,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of appropriating an additional sum of money for continuing the M'Adamizing the Northwestern road.

On motion of Mr. FERGUSON,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of incorporating a company to improve the navigation of the Guyandotte river from its mouth in the county of Cabell, to Gilbert's creek in the county of Logan, upon the principles suggested in the report of Joseph Gill, the engineer appointed to survey said river, hereafter to be communicated.

On motion of Mr. CLENDENIN,

Resolved, That the committee for courts of justice enquire into the expediency of changing the April court day of the county of Mason from the fourth to the first Monday in said month.

On motion of Mr. GEORGE,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of incorporating a joint stock company for the purpose of constructing a road from Tazewell courthouse by the way of Wytheville and Hillsville in the county of Carroll, to the North Carolina line at the Fancy gap.

On motion of Mr. THOMAS,

Resolved, That so much of the governor's message as refers to the furnishing justices of the peace with a book of forms, be referred to the committee for courts of justice.

On motion of Mr. YERBY,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of making it imperative upon the courts

of the commonwealth to require from commissioners of judicial sales, bond with security for the proper disposition of the purchase money.

On motion of Mr. BURDETT,

Resolved, That so much of the governor's message as relates to the county courts, be referred to the committee for courts of justice.

On motion of Mr. MONCURE of Stafford,

Resolved, That the use of the hall of the house be granted on the evening of the 14th instant to the Virginia historical and philosophical society, for the purpose of holding its annual meeting.

On motion of Mr. WILLS,

Resolved, That the committee on the militia laws enquire into the expediency of exempting persons residing in the counties of Amherst and Bedford, who shall enrol themselves as members of the Lynchburg Mechanic artillery from military duty in those counties.

On motion of Mr. SEGAR,

Resolved, That the committee of propositions and grievances enquire into the expediency of repealing, so far as the counties of Elizabeth City and Warwick are concerned, the first section of the act passed April 4th, 1848, entitled "an act concerning oysters and terrapins, and the penalties in regard to them," passed March 22d, 1847; also, into the expediency of so amending the 9th section of the act last aforesaid, in relation to the said counties, as to make the months of April, May and September privileged months for the transportation of oysters; also, into the expediency of reviving the first and second sections of the act passed February 14th, 1845, entitled "an act to prevent the destruction of oysters in the counties of Elizabeth City and Warwick, and for other purposes," and applying the provisions of the same to the months of September and May, inclusive, in respect to the said counties.

On motion of Mr. LANE of Lee,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of amending the first section of the chapter regulating bail in criminal cases, in the new Criminal Code, so as to allow the committing justice and the examining court to grant bail to prisoners charged with crime punishable with death or confinement in the penitentiary, when there is only a probable cause of the guilt of the accused, and to refuse it in such cases when there is a remote probability of their innocence.

On motion of Mr. GORR,

Resolved, That the committee of roads and internal navigation enquire into the expediency of making an appropriation to Macadamize certain portions of the Staunton and Parkersburg road.

On motion of Mr. LANE of Lee,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of amending the 8th section of the 19th chapter of the Criminal Code, so as to require a concurrence of sixteen of the number of the grand jury, before an indictment or presentment shall be found by them.

On motion of Mr. MARTZ,

Resolved, That this house will, with the consent of the senate, pro-

ceed on Tuesday, the 12th instant, to the election of a printer for the commonwealth.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. JONES,

Resolved, That the committee on the militia laws be and they are hereby directed to enquire into the expediency of increasing the compensation allowed by law to the clerk of the court of enquiry and other officers of the 179th regiment, so as to make the same equal to that now allowed by law to the clerk of the court of enquiry and officers of the 19th regiment of Virginia militia.

On motion of Mr. BEIRNE of Monroe,

Resolved, That so much of the governor's message as relates to the penitentiary, be referred to the committee on the penitentiary.

Mr. KYLE presented sundry documents to be used as evidence in the contested election from the county of Buckingham, which were ordered to be referred to the committee of privileges and elections.

Mr. LANE of Lee presented a communication from judge Benjamin Estill, suggesting sundry amendments to the Criminal and Civil Codes, which was ordered to be referred to the committee for courts of justice.

Mr. LANE of Lee also presented a petition of Robert Whitley of the county of Scott, asking to be remunerated for services rendered in teaching indigent children in said county.

Mr. BEIRNE of Monroe a petition of John I. Stack, asking to be compensated for teaching poor children in the county of Monroe.

Ordered, That the said petitions be referred to the committee of claims.

Mr. TOWNES presented a petition of Sarah A. Raymond, asking to be divorced from her husband.

Mr. SMITH, a petition of the executors and heirs of William H. Foote deceased, praying that the circuit superior court of law and chancery for the county of Alexandria, be authorized to enter in vacation a decree for the sale of a tract of land in the county of Fairfax.

Mr. MARTZ, a petition of the Rev. Isaac Soule, praying the passage of an act to invest the circuit superior courts with power to decree the sale of certain real estate therein mentioned.

Mr. DECAMPS, a petition of the members of the Huron fire company in Wellsburg, Brooke county, asking exemption from the duties of jurors in civil cases.

Mr. HARRISON of Brunswick, a petition of Alexander Goode and wife, asking authority to remove certain property from the commonwealth.

Ordered, That the said petitions be referred to the committee for courts of justice.

On motion of Mr. SIBERT, leave was granted to withdraw the petition of citizens of the county of Shenandoah, asking the establishment of a separate election at Jacob's church in said county, presented at the last session of the general assembly; thereupon, he again presented the same, and it was ordered to be referred to the committee of propositions and grievances.

On motion of Mr. CARDWELL, the house adjourned until to-morrow 12 o'clock.

FRIDAY, DECEMBER 8, 1848.

Mr. MONCURE of Stafford, from the committee for courts of justice, presented the following bills:

No. 2. A bill concerning Ulysses Hinchman of the county of Logan; and

No. 3. A bill allowing Joseph Alexander, a free man of colour, to remain in the commonwealth.

And reports upon the resolutions referring to them so much of the governor's message as relates to the usury laws; proposing to allow grand jurors a reasonable per diem compensation; for amending the law requiring clerks of courts to copy partly proved deeds; for extending the jurisdiction of a single justice of the peace in the City of Richmond; for forming a new judicial circuit out of parts of the 18th, 19th and 20th circuits; for amending the act concerning delinquent and forfeited lands, passed March 15th, 1832; and for extending the jurisdiction of justices of the peace to cases of assault and battery.

On motion of Mr. MONCURE of Stafford,

Ordered, That the said reports be recommitted.

A message was received from the senate by Mr. WITCHER, who informed the house that the senate had agreed to the resolution for the appointment of a joint committee upon the reports of the revisors of the Civil Code, with an amendment, in which they requested the concurrence of the house of delegates.

The said amendment was read and agreed to, and the resolution as modified, is the following:

Resolved, That there be appointed a joint committee of seven members of the house of delegates and of five members of the senate, to be called the committee of revision, and to continue in existence during the present session of the legislature; that the reports which have been heretofore or may be hereafter made by the revisors of the Civil Code, be referred to the said committee to be revised and considered, and if necessary amended by them; that they have power to appoint a clerk, and leave to sit during the session of the two houses, or either of them, and that they report their proceedings from time to time as they may deem proper.

Ordered, That Mr. STOVALL inform the senate that this house agree to their said amendment.

The SPEAKER deferred announcing the committee on the part of the house until to-morrow.

A motion was made by Mr. LAYNE of Alleghany, that the house adopt the following resolution:

Resolved, That the committees on banks, and trade and mechanic arts, be instructed to proceed jointly to the election of clerk to said committees on the 12th inst.

On motion of Mr. SHEFFEX, the same was ordered to be laid upon the table.

On motion of Mr. WHITE,

Resolved, That so much of the governor's message as declares that

"our present militia system requires reform, and that it wastes the time of the people, leads to dissipation, and is a tax upon the treasury," be referred to the committee on the militia laws.

On motion of Mr. HIETT,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of paying jurors a reasonable per diem for their service in the courts of this commonwealth.

Mr. CONWAY submitted a communication from Judge John Scott, one of the judges of the general court, declining to take his seat as one of the judges of the special court of appeals, under the act of 31st of March 1848, and his reasons therefor, which was ordered to be referred to the committee for courts of justice.

On motion of Mr. FLOYD,

Ordered, That 500 copies thereof be printed for the use of the general assembly. [Doc. No. 26.]

On motion of Mr. CONWAY,

Resolved, That the committee for courts of justice enquire into the expediency of repealing so much of the act, entitled "an act concerning the jurisdiction of the general court, and diminishing the number of the judges thereof," passed on the 31st day of March 1848, as establishes a special court of appeals, and enacting in lieu thereof the bill which passed the house of delegates at the last session, entitled "an act establishing a special court of appeals, and diminishing the number of the judges of the general court," so modified as to give to the general court jurisdiction to hear and determine all appeals and writs of *supersedeas* hereafter granted to and from the decrees and judgments of the circuit courts in civil cases, and with other suitable modifications.

On motion of Mr. BOOTH,

Resolved, That this house, with the consent of the senate, proceed on Thursday the 14th instant, to the election of a judge for the second circuit of the first judicial district, to supply the vacancy occasioned by the death of the Hon. James H. Gholson.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. ROBINSON,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of granting to the hustings court of the City of Norfolk authority to register or not, at their discretion, free negroes and mulattoes who may remove to this city from other parts of the commonwealth.

On motion of Mr. LAIDLEY,

Resolved, That the committee of propositions and grievances enquire into the expediency of changing the place of holding a separate election from the house of J. J. Ritter at Walnut grove in Putnam county, to the house of Alexander Caruthers near the mouth of Poatalico river in said county.

On motion of Mr. MOORE,

Resolved, That a special committee be appointed to enquire into the

expediency of extending the jurisdiction of single justices of the peace to fifty dollars.

The SPEAKER deferred announcing said committee until to-morrow.

On motion of Mr. FUGATE,

Resolved, That the committee on the militia laws be instructed to enquire into the expediency of furnishing such militia officers of this state as have not been furnished, a copy of the militia laws of the state; also to each a copy of Scott's militia tactics; also to require battalion and regimental courts to receive excuses of delinquents, sworn to before a justice of the peace, with the same effect as if sworn before the clerk of said courts.

On motion of Mr. VAUGHAN,

Resolved, That the report of the revisors of the Civil Code be distributed among such of the members of this house as have not received the same.

On motion of Mr. GORF,

Resolved, That the committee of finance be instructed to enquire into the expediency of changing the term of office of the commissioner of the revenue from the time now required by law to a longer period.

On motion of Mr. GORF,

Resolved, That the committee on the militia laws enquire into the expediency of repealing an act changing the time of training of the officers and the regimental and battalion musters, passed March 17th, 1848.

On motion of Mr. FERGUSON,

Resolved, That the committee for courts of justice enquire into the expediency of electing an attorney to prosecute the pleas of the commonwealth in each of the judicial circuits in this commonwealth by a joint vote of both houses of the general assembly.

On motion of Mr. GORF,

Resolved, That the committee of roads and internal navigation enquire into the expediency of incorporating a joint stock company to construct a road from Philippi, in the county of Barbour, to Clarksburg, in the county of Harrison.

On motion of Mr. BOYKIN,

Resolved, That the committee on finance be instructed to enquire into the expediency of furnishing the clerks of the several superior and inferior courts each with a copy of the governor's message and accompanying documents to be kept in their respective offices for the use of the people.

On motion of Mr. HARVEY,

Resolved, That the committee for courts of justice enquire into the expediency of protecting by law the property of married women, from the payments of the debts of their husbands, whether contracted before or after marriage.

Mr. THOMPSON of Botetourt presented a petition of citizens of the counties of Botetourt, Giles, Monroe and Roanoke, for the formation of a new county out of parts of said counties.

Mr. COOK, a petition of citizens of the county of Montgomery, praying that a part of said county may be added to the county of Roanoke.

Mr. M'CLUNG, a petition of citizens of the county of Fayette, for the formation of a new county out of a portion of said county.

Mr. CLOPTON, a petition of citizens of the county of Gloucester, for an amendment to the laws concerning the preservation of oysters, so far as the same relates to Ware river.

Mr. THOMAS, a petition of citizens of the county of Fairfax, to change the separate election now authorized at Barrett's cross roads to the schoolhouse at Lewinsville in said county.

Ordered, That said petitions be referred to the committee of propositions and grievances.

Mr. THOMPSON of Botetourt, presented a memorial of citizens of the counties of Botetourt, Giles and Roanoke, remonstrating against the application for an act to incorporate a company to construct a turnpike road from Fincastle to the Middle mountain, in the county of Botetourt, which was ordered to be referred to the committee of roads and internal navigation.

Mr. FLOYD presented a petition of the trustees of Emory and Henry college, asking for the release of the securities in a bond given to secure a sum of money due from said college to the state.

Mr. BURDETT, a petition of citizens of the county of Taylor, asking for an appropriation as an endowment to Rector college.

Ordered, That said petitions be referred to the committee of schools and colleges.

Mr. CLOPTON presented a petition of John Godfrey, asking that the sum of fifteen dollars illegally paid by him into the treasury may be refunded, which was ordered to be referred to the committee of claims.

On motion of Mr. MAJOR, leave was granted to withdraw the petition of Stephen Kent, presented at the last session of the general assembly.

The following bills were read the first and ordered to be read a second time, viz :

No. 1. A bill to amend the act, entitled "an act to prevent the hauling of seines at certain places within certain periods annually," passed January 4th, 1805.

No. 2. A bill concerning Ulysses Hinchman, of the county of Logan; and

No. 3. A bill allowing Joseph Alexander, a free man of colour, to remain in the commonwealth.

On motion of Mr. SYME, the house adjourned until to-morrow 12 o'clock.

SATURDAY, DECEMBER 9, 1848.

The **SPEAKER**, under the resolution for the appointment of a joint committee upon the reports of the revisors of the Civil Code, announced the following committee: Messrs. Moncure of Stafford, Scott, Whittle, Booth, Conway, Harrison of Loudoun, and Smith.

The **SPEAKER** also announced as the committee under the resolution submitted by Mr. MOORE on yesterday, for extending the jurisdiction of justices of the peace to fifty dollars, the following: Messrs. Moore, Aston, Herbert, Rector, Mayo, Ferguson, Whittle, Laidley and Pitman.

Mr. **HERBERT**, from the committee on agriculture and manufactures, presented the following bill:

No. 4. A bill incorporating the Virginia Cannel coal company.

On motion of Mr. **GUSTIN**,

Resolved, That the committee of finance be instructed to enquire into the expediency of either graduating or abolishing the tax on law process.

On motion of Mr. **GUSTIN**,

Resolved, That so much of the governor's message as relates to the law of bail in civil cases, be referred to the committee for courts of justice.

On motion of Mr. **WATSON**,

Resolved, That it be referred to the committee for courts of justice to enquire what legislation, if any, is proper at this time to carry out the contract entered into by the state for the purchase of the copyright in Davis' Criminal Law, by the act of the 27th of February 1843.

On motion of Mr. **TOWNES**,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of repealing the act of assembly concerning the correction of errors committed in the progress of chancery causes, and regulating appeals from decrees pronounced therein, passed March 10th, 1848.

On motion of Mr. **TOWNES**,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of repealing the act of assembly, passed day of 1846, transferring the county of Bedford to the 10th judicial circuit.

On motion of Mr. **SEGAR**,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of reorganizing the Board of public works.

On motion of Mr. **WORTHINGTON**,

Resolved, That the several acts of the general assembly relating to discounts and offsets, be referred to the committee for courts of justice, with instructions to the committee to consider whether any amendments or alterations of said acts are expedient and proper.

On motion of Mr. **ASTON**,

Resolved, That the committee on claims be instructed to enquire

into the expediency of allowing to Archer D. Hale of the county of Russell \$ 4, for services rendered as a fifer at a company muster two days in the 72d regiment of Virginia militia, in the year 1839.

On motion of Mr. LAIDLEY,

Resolved, That so much of the governor's message as relates to the penitentiary, be referred to the committee on the penitentiary; and that they enquire into and report upon the expediency of establishing a house of correction for juvenile offenders.

On motion of Mr. MOORE,

Resolved, That the committee of privileges and elections enquire into the expediency of changing the time of holding elections for members of congress, and of the house of delegates and senate of Virginia.

A motion was made by Mr. LAIDLEY, that the house adopt the following resolution:

Resolved by the general assembly of Virginia, That the treasurer of this commonwealth be, and he is hereby authorized to receive and place to the credit of the Literary fund, Virginia's quota arising from the sales of the public lands.

On motion of Mr. RIVES, the resolution was ordered to be laid upon the table.

On motion of Mr. LANE of Lee,

Resolved, That the committee for courts of justice enquire into the expediency of lessening the judicial circuits of the state, and amending the law constituting the circuit superior courts of law and chancery, so as to allow the judges thereof to continue the terms of said courts two weeks in each county; one week for the trial of causes at law, and the other for the trial of chancery causes in the respective counties of their circuits.

On motion of Mr. BYRNE of Braxton, Lewis and Gilmer,

Resolved, That the committee of propositions and grievances enquire into the expediency of changing the place of holding the separate election in the county of Lewis now required to be holden at the house of William Bennett, to the storehouse of Jonathan M. Bennett in said county.

On motion of Mr. BURDETT,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of amending the 16th section of the 15th chapter of an act to reduce into one the several acts concerning crimes and punishments, and proceedings in criminal cases, passed March 14th, 1848.

On motion of Mr. M'CLUNG,

Resolved, That the committee of propositions and grievances enquire into the expediency of incorporating a company to establish a line of stages from the terminus of the Louisa railroad to the White Sulphur springs in the county of Greenbrier.

On motion of Mr. M'CUE,

Resolved, That it be referred to the committee of schools and colleges to enquire into the propriety of publishing the report of the geological survey of the state of Virginia, made some years since by professor William B. Rogers.

A communication was received from the senate by their clerk, which was read as follows :

IN SENATE, DECEMBER 8, 1848.

The senate have agreed to the resolutions for the election of a judge for the 18th circuit ; for the election of a brigadier general of the 1st, and of the 10th brigades ; and for the election of a public printer.

They have also agreed to the resolution for the election of governor, with an amendment, in which they request the concurrence of the house of delegates.

The said amendment to the resolution for the election of governor, proposed to change the time for proceeding to the election, from Monday the 11th inst. to Tuesday the 12th inst. ; and the same having been read, was agreed to by the house.

Ordered, That the clerk inform the senate thereof.

A message was received from the senate by Mr. ROGERS, who informed the house that the senate had adopted a resolution for a recess of that body, in which they requested the concurrence of the house of delegates.

The said resolution was read as follows :

Resolved, That when the senate adjourns on Thursday the 14th day of this month, it will with the concurrence of the house of delegates, adjourn until Thursday the 4th day of January next.

On motion of Mr. SHEFFEY,

Ordered, That the resolution be laid upon the table.

The following bills were read a second time, and ordered to be engrossed and read a third time, viz :

No. 1. A bill to amend the act, entitled "an act to prevent the hauling of seines at certain places within certain periods annually," passed January 4th, 1805 ; and

No. 3. A bill allowing Joseph Alexander, a free man of colour, to remain in the commonwealth.

No. 2. A bill concerning Ulysses Hinchman of the county of Logan, was read a second time, and on motion of Mr. WATSON, ordered to be recommitted.

No. 4. A bill incorporating the Virginia Cannel coal company, was read the first, and ordered to be read a second time.

Mr. COOK presented a petition of J. K. Pitzer, deputy sheriff for Elias Thomas, sheriff of Roanoke, asking that the sum of \$ 79, damages imposed upon him by the general court for failing to pay into the treasury, within the time prescribed by law, the merchants' licenses, may be refunded to him, which was ordered to be referred to the committee of claims.

Mr. BAILY presented a petition of citizens of the county of Mercer, for a separate election to be established at the house of Lewis Hatcher, on the waters of Camp creek in said county.

Mr. LAYNE of Alleghany, a petition of citizens of the county of Fayette, for the formation of a new county out of part of said county.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

Mr. BURDETT presented a petition of citizens of the county of Taylor, asking an appropriation as an endowment for Rector college, which was ordered to be referred to the committee of schools and colleges.

On motion of Mr. CARDWELL, the house adjourned until Monday 12 o'clock.

MONDAY, DECEMBER 11, 1848.

A communication was received from the senate by their clerk, which was read as follows:

IN SENATE, DECEMBER 9, 1848.

The senate have agreed to the resolution for the election of a judge for the second circuit, with an amendment, in which they request the concurrence of the house of delegates.

The said amendment proposed to change the time for the election of the said judge from Thursday the 14th, to Tuesday the 12th instant, and it was agreed to by the house.

Ordered, That the clerk inform the senate thereof.

The house, according to the joint order of the day, proceeded by joint vote with the senate to the election of a judge for the 18th circuit, to supply the vacancy occasioned by the resignation of Judge Edwin S. Duncan; thereupon, Mr. LAIDLEY nominated *George H. Lee, Esq.*, and the senate having been informed thereof by Mr. LAIDLEY, and no person having been added to the nomination in that house, the vote was recorded as follows:

For George H. Lee—Messrs. Hopkins, (speaker,) Finney, Nock, Hart, Watson, Smith, Layne of Alleghany, Powell, Cheatham, Sheffey, M'Cue, Byrd, Mitchell, Burwell, Faulkner, Boak, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Kyle, Moore, Wills, Moncure of Caroline, Lacy, Cardwell, Barbour, Vaughan, Segar, Clarke, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Stillman, Claiborne, Edwards, Wood, Sydnor, Baily, Clopton, Carroll, Price, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Darracott, Welton, Bassel, Lancaster, Mullins, Boykin, Howard of James City, York and Williamsburg, Worthington, Laidley, Wallace, Houser, Tomlin, Webb, Lane of Lee, Ferguson, Harrison of Loudoun, White, Beard, Harris, Edmondson, Newman, Arnett, M'Daniel, Shepard, Coleman, Whittle, Tanzey, Beirne of Monroe, Barnett, Gustin, Kilby, Robinson, Butt, Cowper, Yerby, Basye, Booth, Pitts, Pannell, Buswell, Turner, Hiner, Syme, Townes, Grasty, Cackley, Fairfax, Wootton, Rives, Goff, Strother, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson, Burdett, George, Boyers, Massey, Floyd, Harvey, Collins and Boyd—123.

Ordered, That Messrs. Laidley, Bassel, Thomas, Thomson of Jefferson, White and Fairfax, be a committee to act jointly with a committee from the senate, to ascertain the state of the joint vote; and Mr. LAIDLEY reported that vote to be, for *George H. Lee*, 151; thereupon *GEORGE H. LEE, Esq.* was declared duly elected a judge

of the circuit superior courts of law and chancery for the 9th district and 18th circuit.

Mr. FLOYD, from the committee for courts of justice, presented the following bill:

No. 5. A bill for the relief of the devisees and heirs of William H. Foote, deceased.

On motion of Mr. SCOTT,

Resolved, That the committee for courts of justice be instructed to report the bill of the last session, entitled "a bill concerning juries in civil cases," as it passed this house.

On motion of Mr. FLOYD,

Resolved, That so much of the governor's message as relates to the Wilmot proviso and other kindred measures, be referred to a special committee of seven members.

The SPEAKER deferred announcing said committee until to-morrow.

On motion of Mr. WHITTLE,

Resolved, That the committee for courts of justice enquire into the expediency of so amending the laws as to require that the justices of the peace in each county be required to perform the court duties at their quarterly terms in rotation.

On motion of Mr. CONWAY,

Resolved, That the committee on internal improvements enquire into the expediency of authorizing the Maryland and Virginia steam packet company to hold a limited amount of real estate.

On motion of Mr. MULLINS,

Resolved, That the committee of finance be instructed to enquire into the expediency of repealing the second section of an act to amend an act, entitled "an act for the establishment of a district free school system," passed the 10th February 1848.

On motion of Mr. BARBOUR,

Resolved, That the committee of roads and internal navigation enquire into the expediency of modifying the act passed January 19th, 1848, entitled "an act to incorporate the Thornton's gap turnpike company," as to allow the construction of an independent section of the road from Culpeper courthouse to Kelly's mill, upon the terms now provided by said act.

On motion of Mr. LACY,

Resolved, That the committee of roads and internal navigation enquire into the expediency of reporting bill No. 357, of the last session, in relation to the Richmond and Pamunkey railroad.

On motion of Mr. FAULKNER,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of so amending an act, entitled "an act to limit the assessment upon titheables, and to authorize a tax upon property for the purpose of defraying county expenditures within the county of Berkeley," passed March 5th, 1835, as to provide more effectually for an authentication of the loans contracted by virtue of said act.

On motion of Mr. GUSTIN,

Resolved, That so much of the governor's message as recommends

that a uniform set of school books should be selected and adopted for general use in the state, be referred to the committee of schools and colleges.

On motion of Mr. KILBY,

Resolved, That so much of the governor's message as relates to the passage of a law authorizing three justices to form a county court, be referred to the committee for courts of justice.

On motion of Mr. DARRACOTT,

Resolved, That so much of the governor's message as has reference to the subject of weights and measures, be referred to the committee on trade and mechanic arts.

On motion of Mr. PERROW,

Resolved, That it be referred to the committee of roads and internal navigation to enquire into the expediency of repealing the second section of an act to amend an act prescribing certain general conditions on which future subscriptions to the capital of joint stock companies should be made on behalf of the commonwealth, passed March 22d, 1847.

On motion of Mr. WELTON,

Resolved, That the committee of propositions and grievances be instructed to enquire into the expediency of affording protection to persons engaged in destroying wolves in the county of Hardy.

Mr. STROTHER presented a petition of the heirs of William Ivy and Thomas Snale, to be allowed pay for the services of said Snale and Ivy in the navy of Virginia during the revolutionary war.

Mr. FLOYD, a petition of Daniel D. M'Rae, asking to be allowed compensation as teacher of poor children in the county of Smyth.

Ordered, That said petitions be referred to the committee of claims.

Mr. PRICE presented a petition of the officers of the 135th regiment, praying a change in the time of training the said officers, which was ordered to be referred to the committee on the militia laws.

Mr. SYME presented a petition of the citizens of the town of Petersburg, praying the repeal of the act prohibiting the circulation of small notes of the banks of other states, and the passage of an act authorizing the banks of this state to issue notes of a less denomination than five dollars, which was ordered to be referred to the committee on banks.

Mr. PRICE also presented a petition of Thomas Conger and others of the county of Braxton, for the establishment of a separate election at the house of Thomas Miller in said county.

Mr. FINNEY, a petition of citizens of the county of Accomack, asking for the formation of a new county out of the said county.

On motion of Mr. DECAMPS, leave was granted to withdraw the documents presented at the last session of the general assembly in relation to the formation of a new county out of the northern part of the county of Brooke; also the memorial of citizens of the town of New Manchester and others of the county of Hancock, remonstrating against the formation of said new county, and concerning the seat of justice of said county of Hancock; thereupon, he again presented the same.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

Mr. Goff presented a petition of citizens of the county of Randolph, for the construction of a road from John A. Hutton's in the said county, to Lewisburg in the county of Greenbrier, which was ordered to be referred to the committee of roads and internal navigation.

The following engrossed bills were read a third time and passed, viz:

No. 1. A bill to amend the act, entitled "an act to prevent the hauling of seines at certain places within certain periods annually," passed January 4th, 1805; and

No. 3. A bill allowing Joseph Alexander, a free man of colour, to remain in the commonwealth.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

No. 4. A bill incorporating the Virginia Cannel coal company, was read a second time, and ordered to be engrossed and read a third time.

No. 5. A bill for the relief of the devisees and heirs of William H. Foote, dec'd, was read the first, and (the rule of the house having been suspended on motion of Mr. Scott,) the second time, and ordered to be engrossed and read a third time.

Mr. Rives presented two petitions of Richard D. Sanxay, the one proposing to furnish the state at a stipulated sum with a new edition of the Revised Code, and the other proposing to furnish in like manner a new and revised edition of Henning's Justice, which were ordered to be referred to the committee for courts of justice.

On motion of Mr. Thomas, the house adjourned until to-morrow 12 o'clock.

TUESDAY, DECEMBER 12, 1848.

Under the resolution submitted by Mr. Floyd on yesterday, the SPEAKER announced as the committee to whom was referred so much of the governor's message as relates to the Wilmot proviso and other kindred measures, the following: Messrs. Floyd, Faulkner, Jones, Irving of Cumberland, Barbour, Segar and Paxton.

On motion of Mr. Whittle,

Ordered, That the said committee be enlarged by the addition of six members; thereupon Messrs. Whittle, Worthington, Vaughan, Booth, Ferguson and Yerby were added thereto.

On motion of Mr. Yerby, he was excused from serving upon the said committee and Mr. Lacy was substituted in his stead.

Mr. Jones, from the committee of propositions and grievances, presented the following bills:

No. 6. A bill authorizing a separate election at the house of Charles Zinn, in the county of Barbour.

No. 7. A bill to change the place of holding a separate election in the county of Fairfax.

No. 8. A bill authorizing a separate election at the house of John Helmick, in the county of Lewis.

No. 9. A bill authorizing a separate election at the house of Charles C. See, in the county of Randolph; and

No. 10. A bill to repeal so much of the act, entitled "an act prescribing the mode of electing trustees for the town of Darkesville, in the county of Berkeley, and vesting them with certain corporate powers, and of electing trustees for the town of Romney, in the county of Hampshire," as concerns the said town of Darkesville.

Mr. MONCURE of Stafford, from the committee for courts of justice, presented the following bills:

No. 11. A bill concerning juries in civil cases; and

No. 12. A bill changing the time of holding the county court of the county of Braxton.

Also reports upon resolutions for repealing part of the 8th section of the act, to reduce into one the several acts concerning crimes and punishments, and proceedings in criminal cases; of repealing so much of the same act as makes it penal to pass or receive any bank note of less denomination than five dollars; and for amending the 19th section of the same act.

Mr. STOVALL, from the committee of finance, presented a report upon the debt, revenue and expenditures of government, which on his motion was ordered to be laid upon the table and be printed. [Doc. No. 27.]

Mr. LAYNE of Alleghany, presented a document to sustain the petition of citizens of the county of Fayette, for the formation of a new county out of part of said county, which was ordered to be referred to the committee of propositions and grievances.

The house, according to the joint order of the day, proceeded by joint vote with the senate, to the election of a judge of the second circuit, to supply the vacancy occasioned by the death of James H. Gholson; thereupon, Mr. BOOTH nominated *John W. Nash, Esq.*, and the senate having been informed thereof by Mr. BOOTH, and no person having been added to the nomination in that house, the vote was recorded as follows:

For Mr. Nash—Messrs. Hopkins, (speaker,) Finney, Nock, Hart, Smith, Layne of Alleghany, Boisseau, Powell, Cheatham, Byrd, Mitchell, Burwell, Faulkner, Boak, Thompson of Botetourt, De Camps, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moore, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Vaughan, Segar, Clarke, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Stillman, Claiborne, Edwards, Wood, Sydnor, Baily, Clopton, Carroll, Price, Stovall, Major, Allen, Hiatt, Darracott, Welton, Bassel, Lancaster, Mullins, Boykin, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Wallace, Houser, Tomlin, Webb, Lane of Lee, Ferguson, White, Beard, Harris, Edmondson, Newman, Arnett, M'Daniel, Shepard, Clendenin, Coleman, Whittle, Tanzey, Beirne of Monroe, Barnett, Gustin, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Basye, Booth, Pitts, Pannell, Buswell, Turner, Hiner, Syme, Townes, Grasty, Cackley, Fairfax, Herbert, Wootton, Rives, Harrison of Prince William, Goff, Strother, Mayo, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Shenandoah, Conway, Moncure of Stafford, Hargrave, Nicholson, Burdett, George, Boyers, Massey, Collins and Boyd—125.

For William T. Joynes—Messrs. Watson, Byrne of Braxton, Lewis and Gilmer, and Harvey—3.

For Richard K. Meade—Messrs. Sheffey, M'Cue, and Maclin of Greenville—3.

And for Thomas Gholson—Mr. Griffin—1.

Ordered, That Messrs. Booth, Syme, Vaughan, Jones, Harrison of Brunswick, Rives and Bossieu, be a committee to act jointly with a committee of the senate to ascertain the state of the joint vote; and Mr. BOOTH reported that vote to be, for *John W. Nash*, 151—scattering 11; thereupon JOHN W. NASH, Esq. was declared duly elected a judge for the first district and second circuit.

The house, according to the further joint order of the day, proceeded by joint vote with the senate, to the election of a governor of the commonwealth for three years from the first of January next; thereupon Mr. BASSEL nominated *George W. Thompson, Esq.*; Mr. COOK nominated *John B. Floyd, Esq.*; Mr. MARTZ nominated *Green B. Samuels, Esq.*, and Mr. CLAIBORNE nominated *Judge William Daniel*, and the senate having been informed thereof by Mr. BASSEL, and no person having been added to the nomination in that house, the vote was recorded as follows:

For Mr. Thompson—Messrs. Byrd, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moore, Allen, Hiatt, Bassel, Boykin, Newman, Aruett, M'Daniel, Shepard, Tanzey, Gustin, Butt, Pitts, Pannell, Fairfax, Herbert, Rives, Harrison of Prince William, Goff, Hargrave, Nicholson, Boyers and Collins—28.

For Mr. Floyd—Messrs. Watson, Sheffey, M'Cue, Mitchell, Burwell, Boak, Thompson of Botetourt, Barbour, Irving of Cumberland, Segar, Clarke, Rector, M'Clung, Baily, Carroll, Price, Darracott, Mullins, Worthington, Thompson of Jefferson, Tomlin, Lane of Lee, Beirne of Monroe, Barnett, Perrow, Basye, Turner, Townes, Grasty, Cackley, Mayo, Cook, Aston, Fugate, Thompson of Smyth, Moncure of Stafford, George and Boyd—38.

For Mr. Samuels—Messrs. Hopkins, (speaker,) Layne of Alleghany, Jones, Wood, Sydnor, Welton, Houser, Ferguson, Coleman, Robinson, Buswell, Hiner, Paxton, Martz, Harper, Pitman, Sibert, Conway and Massey—19.

For Mr. Daniel—Messrs. Boisseau, Powell, Cheatham, Kyle, Wills, Irvine of Campbell, Moncure of Caroline, Cardwell, Claiborne, Edwards, Stovall, Major, Harris, Edmondson, Whittle and Wootton—16.

For George W. Summers—Messrs. Finney, Smith, Scott, Stillman, Lancaster, Laidley, Harrison of Loudoun, White, Beard, Clendenin, Kilby, Dorman, Burdett and Harvey—14.

For John Y. Mason—Messrs. Nock, Vaughan, Clopton, Maclin of Greenville, and Booth—5.

For John W. Syme—Mr. Hart—1.

For A. H. H. Stuart—Mr. Lacy—1.

For John Janney—Mr. Thomas—1.

For V. W. Southall—Messrs. Howard of James City, York and Williamsburg, and Syme—2.

For William C. Rives—Messrs. Wallace and Webb—2.

For James Lyons—Mr. Yerby—1.

For Samuel Watts—Mr. Griffin—1.

For Allen B. Caperton—Mr. Strother—1.

For John S. Pendleton—Mr. Cowper—1.

For James F. Preston—Mr. Howard of Floyd—1.

Ordered, That Messrs. Bassel, Pitts, Cook, Thompson of Botetourt, Lane of Lee, and Claiborne, be a committee to act jointly with a committee of the senate, to ascertain the state of the joint vote, and Mr. BASSEL reported that vote to be, for *George W. Thompson*, 34; for *John B. Floyd*, 47; for *Green B. Samuels*, 25; for *William Daniel*, 23; scattering 32.

No person having a majority of the joint vote, and Mr. *Daniel* having been dropped under the rule of the house, Mr. PAXTON withdrew from nomination the name of *Green B. Samuel*, and Mr. CLAIBORNE again nominated Mr. *Daniel*, and the senate were informed thereof by Mr. STOVALL. The vote was again recorded as follows:

For George W. Thompson—Messrs. Hopkins, (speaker,) Byrd, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Moncure of Caroline, Wood, Sydnor, Allen, Hiatt, Bassel, Boykin, Laidley, Newman, Arnett, M'Daniel, Shepard, Tanzey, Gustin, Butt, Pitts, Hiner, Fairfax, Harrison of Prince William, Goff, Paxton, Martz, Harper, Pitman, Sibert, Hargrave, Nicholson, Burdett, Boyers, Harvey and Collins—36.

For John B. Floyd—Messrs. Hart, Watson, Layne of Alleghany, Sheffey, M'Cue, Mitchell, Burwell, Faulkner, Boak, Thompson of Botetourt, Moore, Irvine of Campbell, Lacy, Barbour, Irving of Cumberland, Segar, Clarke, Scott, Rector, M'Clung, Howard of Floyd, Stillman, Baily, Clopton, Carroll, Price, Darracott, Welton, Lancaster, Mullins, Worthington, Thomson of Jefferson, 'Omlin, Webb, Lane of Lee, Ferguson, Harrison of Loudoun, White, Beard, Whittle, Beirne of Monroe, Barnett, Perrow, Yerby, Basye, Pannell, Turner, Townes, Grasty, Cackley, Strother, Mayo, Cook, Dorman, Aston, Fugate, Thompson of Smyth, Moncure of Stafford, George and Boyd—60.

For William Daniel—Messrs. Boisseau, Powell, Cheatham, Harrison of Brunswick, Kyle, Wills, Cardwell, Jones, Claiborne, Edwards, Major, Houser, Harris, Edmondson, Coleman, Robinson, Buswell, Herbert, Wootton, Conway and Massey—21.

For George W. Summers—Messrs. Finney, Smith, Thomas, Howard of James City, York and Williamsburg, Clendenin, Kilby and Cowper—7.

For John Y. Mason—Messrs. Nock, Vaughan, Maclin of Greenville, Booth, Syme and Rives—6.

For William C. Rives—Mr. Wallace—1.

For Samuel Watts—Mr. Griffin—1.

The same committee again met a committee of the senate, and Mr. BASSEL reported the joint vote to be, for Mr. *Thompson*, 48; for Mr. *Floyd*, 72; for Mr. *Daniel*, 27; scattering 15.

No person having received a majority of the joint vote, and Mr. *Daniel* having been dropped under the rule, the vote was again recorded as follows:

For George W. Thompson—Messrs. Hopkins, (speaker,) Nock, Byrd, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Wood, Sydnor, Maclin of Greenville, Allen, Hiatt, Bassel, Boykin, Arnett, M'Daniel, Shepard, Coleman, Tanzey, Gustin, Butt, Pitts, Buswell, Hiner, Fairfax, Wootton, Harrison of Prince William, Goff, Paxton, Martz, Harper, Pitman, Sibert, Hargrave, Nicholson, Burdett, Boyers, Massey, Harvey and Collins—41.

For John B. Floyd—Messrs. Hart, Watson, Smith, Layne of Alleghany, Cheatham, Sheffey, M'Cue, Mitchell, Burwell, Faulkner, Boak, Thompson of Botetourt, Kyle, Moore, Wills, Irvine of Campbell, Lacy, Cardwell, Barbour,

Irving of Cumberland, Segar, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Stillman, Claiborne, Edwards, Baily, Clopton, Carroll, Price, Stovall, Darracott, Welton, Lancaster, Mullins, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Wallace, Houser, Tomlin, Webb, Lane of Lee, Ferguson, Harrison of Loudoun, White, Beard, Harris, Edmondson, Newman, Clendenin, Whittle, Beirne of Monroe, Barnett, Perrow, Robinson, Yerby, Basye, Pannell, Turner, Syme, Townes, Grasty, Cackley, Herbert, Strother, Mayo, Cook, Dorman, Aston, Fugate, Thompson of Smyth, Conway, Moncure of Stafford, George and Boyd—80.

For John Y. Mason—Messrs. Boisseau, Jones, Vaughan, Major, Booth and Rives—6.

For Samuel Watts—Messrs. Kilby and Griffin—2.

For George W. Summers—Mr. Finney—1.

For William B. Preston—Mr. Cowper—1.

The same committee again met a committee from the senate, and Mr. BASSEL reported the joint vote to be, for *George W. Thompson*, 55; for *John B. Floyd*, 96; scattering 10; thereupon JOHN B. FLOYD, Esq. was declared duly elected governor of the commonwealth for three years from the first day of January next.

The house, in pursuance of the further joint order proceeded by joint vote with the senate to the election of a public printer; thereupon Mr. MAYO nominated *Samuel Shepherd*, and the senate having been informed thereof by Mr. MAYO, and no person having been added to the nomination in that house, the vote was recorded as follows:

For Samuel Shepherd—Messrs. Hopkins, (speaker,) Finney, Watson, Smith, Sheffey, M'Cue, Byrd, Mitchell, Boak, Thompson of Botetourt, Byrnie of Braxton, Lewis and Gilmer, De Camps, Kyle, Moore, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Jones, Barbour, Vaughan, Clarke, Thomas, Rector, M'Clung, Howard of Floyd, Stillman, Sydnor, Baily, Clopton, Carroll, Major, Allen, Hiatt, Darracott, Welton, Bassel, Lancaster, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Houser, Tomlin, Webb, Lane of Lee, Harrison of Loudoun, White, Beard, Harris, Newman, Arnett, Shepard, Clendenin, Coleman, Whittle, Tanzey, Barnett, Gustin, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Pitts, Pannell, Turner, Syme, Townes, Grasty, Cackley, Herbert, Wootton, Goff, Strother, Mayo, Cook, Paxton, Dorman, Martz, Harper, Aston, Fugate, Thompson of Smyth, Griffin, Moncure of Stafford, Burdett, George, Boyers, Massey, Harvey and Boyd—93.

For B. M. De Witt—Messrs. Nock, Boisseau, Powell, Cheatham, Claiborne, Ferguson, M'Daniel, Beirne of Monroe, Hiner, Rives, Harrison of Prince William, Pitman, Hargrave and Nicholson—14.

Ordered, That Messrs. Mayo, Beard, Pitman, Harris, Cackley and Sibert, be a committee to act jointly with a committee from the senate, to ascertain the joint vote; and Mr. MAYO reported that vote to be, for *Samuel Shepherd*, 117; scattering 15; thereupon SAMUEL SHEPHERD was declared duly elected public printer for one year.

Mr. COWPER presented a petition of the officers, late of company F, of the Virginia regiment of volunteers, asking to be allowed certain pay and rations claimed by them, which was ordered to be referred to the committee on the militia laws.

On motion of Mr. FUGATE, the house adjourned until to-morrow 12 o'clock.

WEDNESDAY, DECEMBER 13, 1848.

On motion of Mr. JONES,

Ordered, That the committee of propositions and grievances be discharged from the consideration of so much of the governor's message as relates to an increase of the salary of the governor, and that the same be laid upon the table.

Mr. POWELL, from the committee of claims, presented the following bill, which was subsequently read the first, and ordered to be read a second time, viz :

No. 13. A bill authorizing the payment of a certain sum of money to J. K. Pitzer, deputy for Elias Thomas, sheriff of Roanoke county.

Mr. POWELL, from the same committee, also presented reports upon the petitions of Thomas Tavenner and of David R. Lyttle.

Mr. COOK, from the committee of finance, presented a report upon the resolution for graduating or abolishing the tax on law process.

Mr. CONWAY, from the committee on banks, presented the following bill, which was subsequently read the first, and ordered to be read a second time, viz :

No. 14. A bill to incorporate the Suffolk savings bank.

The SPEAKER laid before the house a communication from the governor, which was read and laid upon the table :

EXECUTIVE DEPARTMENT, Dec. 12, 1848.

SIR,—I communicate herewith the resignation of general John C. Crump of the 8th brigade.

Very respectfully, your ob't serv't,

WM. SMITH.

To the Speaker of the House of Delegates.

RICHMOND, Dec. 8, 1848.

To the Governor of Virginia.

SIR,—I hereby resign my commission as brigadier general of the 8th brigade, 4th division of the Virginia militia.

Very respectfully, your ob't serv't,

JNO. C. CRUMP.

On motion of Mr. MARTZ,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of authorizing the Board of public works to purchase the stock held by private stockholders in the Richmond, Fredericksburg and Potomac railroad company ; also the stock held by private stockholders in the Richmond and Petersburg railroad, and the stock held by private stockholders in the Petersburg and Roanoke railroad company.

On motion of Mr. M'CUE,

Resolved, That so much of the governor's message as refers to an

increase of the salary of the executive, be referred to a special joint committee of both houses.

Ordered, That Mr. M'CUE carry the said resolution to the senate and request their concurrence.

On motion of Mr. HINER,

Resolved, That so much of the governor's message as relates to the armory, be referred to the committee on the armory.

A motion was made by Mr. FAULKNER, that the house adopt the following resolution:

Resolved, That the committee for courts of justice be instructed to enquire how far the existing legislation of congress, under the 2d section and 4th article of the constitution, fulfils the intent and object of that instrument in affording an adequate remedy for the recapture of slaves absconding from this state into the nonslaveholding states of this confederacy; and if found inadequate in its provisions, that they suggest such relief as the urgency of the case requires, and also the mode in which the rights of the citizens of this state, and the other slaveholding states of the Union, shall be brought to the attention of the congress of the United States.

On motion of Mr. FAULKNER,

Ordered, That the said resolution be laid upon the table.

On motion of Mr. WATSON,

Resolved, That it be referred to the committee for courts of justice to enquire into the expediency of repealing the 41st section of the 10th chapter of the Criminal Code of the last session, and of substituting therefor the provisions of the act passed the 10th March 1838, entitled "an act regulating and restraining the terms upon which credits shall be allowed by merchants, traders and others to the students of the university and colleges of the state."

On motion of Mr. WHITTLE,

Resolved, That from the copies of the reports of the revisors now in the library, the librarian be directed to furnish one copy to each of the members of the joint committee on the revisal who are not already supplied.

On motion of Mr. COOK,

Resolved, That a committee on the part of this house, consisting of three members, be appointed to announce to JOHN B. FLOYD, Esq. his election to the office of governor of this commonwealth.

And a committee was appointed of Messrs. Cook, Strother and Whittle.

On motion of Mr. JONES,

Resolved, That the committee on the militia laws enquire into the expediency of exempting the officers and privates who served in the late war with Mexico from ordinary military duty.

On motion of Mr. TURNER,

Resolved, That the committee of schools and colleges enquire into the expediency of reporting to this house bill No. 225 of the last session of the general assembly, entitled "a bill charging upon the treasury the annual appropriation to the deaf and dumb and blind asylum."

On motion of Mr. PRICE,

Resolved, That the committee for courts of justice be instructed to enquire into the extent to which a *lis pendens* shall operate as a notice to a purchaser; and into the expediency of modifying the law upon the subject.

On motion of Mr. RECTOR,

Resolved, That the committee of propositions and grievances enquire into the expediency of repealing the law which passed on the first day of April 1848, respecting the manner in which the votes shall be taken for the formation of new counties.

On motion of Mr. BEIRNE of Monroe,

Resolved, That it be referred to the committee on finance to enquire into the expediency of so amending the law relating to the duties of commissioners of the revenue, as to require of said officers to see every individual within his jurisdiction subject to assessment, and assess his property in person instead of permitting some to give in the property of others as is now the practice in some counties of this commonwealth.

On motion of Mr. SHEFFEY,

Resolved by the general assembly, That the librarian of the commonwealth be directed to deliver to each of the superintendents of the Eastern and Western asylums for the maintenance and cure of insane persons, for the use of said asylums, a copy of the Statutes at large of this commonwealth, and such volumes of the journals of the senate and house of delegates and of the public documents and reports as are now in the library, and are not disposed of by law.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. FLOYD,

Ordered, That the committee of roads and internal navigation be increased, and that Messrs. Segar, George, Kilby, Boyd and Goff be added thereto.

On motion of Mr. PANNELL,

Resolved, That the committee on the militia laws enquire into the expediency of authorizing pay to militia officers during their regular trainings.

On motion of Mr. HINER,

Resolved, That the committee of propositions and grievances be instructed to enquire into the expediency of passing a law to remove all obstructions to the free passage of fish in the South branch of Potomac and its tributaries, from its junction with the North branch to their sources.

On motion of Mr. COLLINS,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of repealing the fourth section of an act passed March 28th, 1848, authorizing the county court of Ritchie county to assess a tax on all the taxable property of said county to raise money to finish the Harrisville turnpike road.

On motion of Mr. BOOTH,

Resolved, That so much of the governor's message as relates to the Richmond and Danville railroad be referred to a select committee.

And a committee was appointed of Messrs. Booth, Boisseau, Townes, Jones, Kilby and Coleman.

On motion of Mr. FLOYD,

Resolved, That the committee on banks be instructed to enquire into the expediency of amending an act of the last legislature providing for the establishment of a branch of the Exchange Bank at Abingdon, so as to allow any other bank of this commonwealth to establish a branch at that place in case of a refusal of the Exchange Bank to do so.

On motion of Mr. FLOYD,

Resolved, That the committee of roads and internal navigation enquire into the expediency of amending an act passed by the last legislature, providing for the construction of a turnpike road from Russell old courthouse, through Washington county, towards Shoan's cross roads.

On motion of Mr. MARTZ, the resolution of the senate laid on the table on the 9th instant, was taken up and read and agreed to as follows:

Resolved, That when the senate adjourns on Thursday, the 14th day of this month, it will, with the concurrence of the house of delegates, adjourn until Thursday, the 4th day of January next.

Ordered, That the clerk inform the senate that this house have agreed to the said resolution.

On motion of Mr. MONCURE of Stafford,

Ordered, That the committee for courts of justice be increased, and that Messrs. Price, Watson, Thomas, Lacy and Townes be added thereto.

On motion of Mr. HARGRAVE,

Resolved, That this house will, with the consent of the senate, proceed by joint vote with that body, on Monday, the 15th day of January next, to elect a general of the 8th brigade, to supply the vacancy occasioned by the resignation of general John C. Crump.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. BYRNE of Lewis,

Resolved, That the committee of roads and internal navigation enquire into the expediency of providing by law for the construction of a turnpike road from William Arnold's, on the Staunton and Parkersburg road, to Glonville in the county of Gilmer.

On motion of Mr. FERGUSON,

Resolved, That the committee of propositions and grievances enquire into the expediency of establishing two separate elections in the county of Logan: one at the house of Harvy S. Dingess on Guyandotte river, the other at the house of Joseph Hatfield on Ben creek.

On motion of Mr. FAULKNER,

Resolved, That the joint committee on the public library be instructed to enquire into the expediency of rearranging the apartments on the second floor of the capitol, so as to provide more effectually for the accommodation of the public library, the papers of the state department, and the sessions of the governor and council of state.

On motion of **Mr. CARROLL**,

Resolved, That the committee for courts of justice be instructed to take into consideration so much of the governor's message as relates to the county court system.

On motion of **Mr. HOWARD** of Floyd,

Ordered, That leave be given to withdraw the petition of citizens of the county of Floyd, relative to the loan from the state to the trustees of Emory and Henry college.

Mr. MONCURE of Stafford, from the committee for courts of justice, reported with a substitute the following bill:

No. 2. A bill concerning Ulysses Hinchman of the county of Logan.

The said amendment being read was agreed to, and the bill as amended was ordered to be engrossed and read a third time.

Mr. MONCURE of Stafford, from the same committee, presented the following bills:

No. 15. A bill divorcing Sarah Ann Raymond from her husband Henry P. Raymond; and

No. 16. A bill to amend the act, entitled "an act to limit the assessment upon tithables, and to authorize a tax upon property for the purpose of defraying county expenditures within the county of Berkeley," passed March 5th, 1835.

The said bills were subsequently read the first, and ordered to be read a second time.

No. 4. An engrossed bill incorporating the Virginia Cannel coal company was, on motion of **Mr. PRICE**, ordered to be laid upon the table and be printed.

No. 5. An engrossed bill for the relief of the devisees and heirs of William H. Foote deceased, was read a third time and passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

The following bills were read the first, and ordered to be read a second time, viz:

No. 6. A bill authorizing a separate election at the house of Charles Zinn in the county of Barbour.

No. 7. A bill to change the place of holding a separate election in the county of Fairfax.

No. 8. A bill authorizing a separate election at the house of John Helmick, in the county of Lewis.

No. 9. A bill authorizing a separate election at the house of Charles C. See, in the county of Randolph.

No. 10. A bill to repeal so much of the act, entitled "an act prescribing the mode of electing trustees for the town of Darkesville, in the county of Berkeley, and vesting them with certain corporate powers, and of electing trustees of the town of Romney, in the county of Hampshire," as concerns the said town of Darkesville.

No. 11. A bill concerning juries in civil cases.

No. 12. A bill changing the time of holding the county court of the county of Braxton.

The following report of the committee for courts of justice, was read and agreed to:

The committee for courts of justice have, according to order, enquired into the expediency of repealing so much of the 8th section of the 18th chapter of an act, entitled "an act to reduce into one the several acts concerning crimes and punishments, and proceedings in criminal cases," passed the 14th day of March 1848, as allows an individual to be indicted for a misdemeanor after he or she has been tried and acquitted by an examining court for the same offence: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to repeal the portion of the act referred to.

A further report of the same committee, reporting it inexpedient to repeal so much of the criminal law as makes it penal to pass or receive any bank note of less denomination than five dollars, was on motion of Mr. SYME, ordered to be laid upon the table.

The following report of the same committee was read, and on motion of Mr. MONCURE of Stafford, ordered to be referred to the committee on revision:

'The committee for courts of justice have, according to order, enquired into the expediency of repealing so much of the 19th section of the 23d chapter of an act, entitled "an act to reduce into one the several acts concerning crimes and punishments, and proceedings in criminal cases," passed March 14th, 1848, as gives to the attorney for the commonwealth, in the circuit superior court of law and chancery, a fee of more than \$5, and also gives the attorney for the commonwealth in the county and corporation courts, a fee of more than \$2 50: Whereupon,

Resolved as the opinion of this committee, That where judgment is given against the accused in any prosecution for a misdemeanor, there shall be taxed for the attorney for the commonwealth, a fee of \$5 only, whether the case be in a circuit superior court of law and chancery or in a county or corporation court, except where a fee of \$20 is allowed by law, in which case the fee should remain as it now is.

The following reports of the committee of claims, were read and agreed to:

The committee on claims have, according to order, had under consideration "the petition of David R. Lyttle, asking for the passage of a law authorizing the payment of his account for the tuition of poor children in the county of Scott," and have come to the following resolution thereupon:

Resolved, That the prayer of said petition be rejected.

The committee on claims have, according to order, had under consideration "the petition of Thomas Tavenner of the county of Wood, praying for a release to him of the commonwealth's right to a tract of 160 acres of land lying in said county," and have come to the following resolution thereupon:

Resolved, That this committee ask to be discharged from the further consideration of said petition, and that the same be referred to the committee of courts of justice.

A report of the committee of finance was read and agreed to as follows:

The committee of finance have, according to order, had under consideration the resolution to them referred, instructing them "to enquire into the expediency of either graduating or abolishing the tax on law process," and have come to the following resolution thereupon :

Resolved as the opinion of this committee, That it is inexpedient either to graduate or abolish the said tax.

Mr. WHITTLE presented sundry documents to be used as evidence to support the petition of John and Lewis W. Wimbish.

Mr. THOMPSON of Botetourt, a petition of citizens of the county of Botetourt, for the formation of a new county out of parts of the counties of Botetourt, Giles, Monroe and Roanoke.

Mr. TURNER, a petition of citizens of the county of Patrick, praying that a part of said county may be attached to the county of Henry.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

Mr. THOMPSON of Botetourt presented a petition of James Paxton, for leave to erect a dam on the eastern branch of the Cowpasture river, in the county of Botetourt, which was ordered to be referred to the committee of roads and internal navigation.

Mr. TURNER presented a petition of Martin S. Spencer and Charles Ross, commissioners of the revenue for Patrick county, asking an increase of their compensation, which was ordered to be referred to the committee of finance.

Mr. THOMAS presented a petition of John Powell, praying that the clerk of the county court of Fauquier, may be authorized to execute to him a deed for a lot of land sold for the nonpayment of taxes, which was ordered to be referred to the committee for courts of justice.

Mr. ASTON presented a petition of J. B. Westlake, asking that a sum of money be allowed him as compensation for an extra guard employed by him to assist in conveying two convicts to the penitentiary, which was ordered to be referred to the committee of claims.

Mr. IRVING of Cumberland presented a petition of the citizens of the counties of Cumberland and Powhatan, praying that the James river and Kanawha canal may be extended to tidewater at the City of Richmond, which was ordered to be referred to the committee of roads and internal navigation.

On motion of Mr. THOMPSON of Botetourt, the house adjourned until to-morrow 12 o'clock.

THURSDAY, DECEMBER 14, 1848.

Mr. STROTHER, from the committee for courts of justice, presented reports upon the petition of the members of the Huron fire company; and upon the communication from Judge Estill, suggesting amendments in the criminal and civil law of the state; and the following bills:

No. 17. A bill changing the time of holding the April term of the county court of Mason county; and

No. 18. A bill providing for the payment of the balance of the purchase money for the copy right of Davis's Criminal Law.

Mr. POWELL, from the committee of claims, presented the following bill :

No. 19. A bill releasing to John A. Kinnaird, sheriff of Wood county, the amount of a judgment of the general court.

On motion of Mr. WHITTLE,

Ordered, That the committee of schools and colleges be discharged from the consideration of the resolution for extending to the Female orphan asylum of Alexandria, the provisions of the 8th section of the act of 19th March 1847, concerning primary schools; and from the resolution referring to that committee so much of the governor's message as recommends a uniform set of school books; and the said resolutions were ordered to be laid upon the table.

The joint order of the day for the election of a general for the first brigade of militia, being read, a motion was made by Mr. MONCURE of Caroline, that the execution thereof be postponed until the 15th day of January next, and it was determined in the negative.

The house then proceeded by joint vote with the senate to the election of a brigadier general for the said first brigade; thereupon, Mr. NEWMAN nominated *Col. Robert A. Banks*; Mr. CONWAY nominated *Col. William P. Goodwyn*; and Mr. STROTHER nominated *Col. Lawson Eastham*; and the senate having been informed thereof by Mr. NEWMAN, and no person having been added to the nomination in that house, the vote was recorded as follows :

For Col. Banks—Messrs. Hopkins, (speaker,) Nock, Watson, Layne of Aleghany, Powell, Cheatham, Sheffey, M'Cue, Byrd, Mitchell, Burwell, Faulkner, Boak, Thompson of Botetourt, De Camps, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moore, Wills, Irvine of Campbell, Moncure of Caroline, Cardwell, Barbour, Irving of Cumberland, Clarke, Thomas, Rector, M'Clung, Howard of Floyd, Stillman, Claiborne, Edwards, Carroll, Maclin of Greenvsille, Major, Stovall, Hiatt, Bassel, Lancaster, Mullins, Boykin, Howard of James City, York and Williamsburg, Laidley, Ferguson, Harris, Edmondson, Newman, Arnett, M'Donald, Shepard, Clendenin, Tanzey, Beirne of Monroe, Gustin, Kilby, Yerby, Pitts, Pannell, Buswell, Hiner, Syme, Cackley, Fairfax, Herbert, Wootton, Rives, Goff, Cook, Dorman, Paxton, Martz, Harper, Fugate, Pitman, Sibert, Griffin, Moncure of Stafford, Hargrave, Nicholson, Burdett, George, Boyers, Floyd, Collins and Boyd—86.

For Col. Goodwin—Messrs. Hart, Boisseau, Byrne of Braxton, Lewis and Gilmer, Jones, Vaughan, Segar, Wood, Sydnor, Baily, Clopton, Allen, Worthington, Wallace, Houser, Tomlin, Webb, Lane of Lee, Harrison of Loudoun, White, Beard, Coleman, Whittle, Barnett, Robinson, Butt, Cowper, Booth, Turner, Harrison of Prince William, Conway and Harvey—31.

For Col. Eastham—Messrs. Finney, Price, Welton, Thomson of Jefferson, Strother, Aston, Thompson of Smyth, and Massey—8.

Ordered, That Messrs. Newman, Conway, Strother, Massey, Barbour, and Moncure of Caroline, be a committee to act jointly with a committee from the senate to ascertain the joint vote; and Mr. NEWMAN reported that vote to be, for *Col. Banks* 99; for *Col. Goodwin* 40; for *Col. Eastham* 8; thereupon Col. ROBERT A. BANKS was declared duly elected a brigadier general for the first brigade of Virginia militia.

A communication from the senate by their clerk, was read as follows:

IN SENATE, DECEMBER 13, 1848.

The senate have passed the bills, entitled

"An act to amend the act, entitled 'an act to prevent the hauling of seines at certain places within certain periods annually,' passed January 4th, 1805," (No. 1;) and

"An act allowing Joseph Alexander, a free man of colour, to remain in the commonwealth." (No. 3.)

And they have agreed to the resolution to refer the part of the governor's message relating to an increase of the governor's salary to a joint committee; and have appointed a committee on their part.

The SPEAKER then announced as the committee on the part of this house, under the said resolution, Messrs. M'Cue, Conway, Segar, Boyd, Watson, Townes, Price, Ferguson and Shepard.

On motion of Mr. CONWAY, leave was granted the committee to sit during the session of the house.

A message was received from the senate by Mr. ROGERS, who informed the house that the senate had passed the bill, entitled "an act for the relief of the devisees and heirs of William H. Foote, deceased." (No. 5.)

The house, according to the further joint order of the day, proceeded by joint vote with the senate to the election of a brigadier general for the tenth brigade; thereupon, Mr. PITTS nominated *Col. Buckner Fairfax*, and the senate having been informed thereof by Mr. PITTS, and no person having been added to the nomination in that house, the vote was recorded as follows:

For Col. Fairfax—Messrs. Hopkins, (speaker,) Finney, Nock, Hart, Watson, Layne of Alleghany, Boisseau, Powell, Cheatham, Sheffey, M'Cue, Byrd, Mitchell, Burwell, Faulkner, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moore, Wills, Irvine of Campbell, Moncure of Caroline, Jones, Barbour, Irving of Cumberland, Vaughan, Segar, Clarke, Thomas, Rector, M'Clung, Howard of Floyd, Stillman, Claiborne, Edwards, Wood, Sydnor, Baily, Clifton, Carroll, Price, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Welton, Bassel, Lancaster, Mullins, Boykin, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Houser, Tomlin, Webb, Lane of Lee, Ferguson, Harrison of Loudoun, White, Beard, Harris, Edmondson, Newman, Arnett, M'Donald, Shepard, Clendenin, Coleman, Tanzey, Beirne of Monroe, Barnett, Gustin, Kilby, Robinson, Butt, Cowper, Yerby, Booth, Pitts, Pannell, Buswell, Turner, Hiner, Syme, Cackley, Herbert, Wootton, Rives, Harrison of Prince William, Goff, Strother, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson, Burdett, George, Boyers, Massey, Floyd, Harvey, Collins and Boyd—120.

Ordered, That Messrs. Pitts, M'Donald, Tanzey, Gustin, Collins, Welton and Allen be a committee to act jointly with a committee of the senate to ascertain the joint vote, and Mr. PITTS reported that vote to be for *Col. Fairfax* 138; thereupon, *Col. BUCKNER FAIRFAX* was declared duly elected a brigadier general for the tenth brigade.

Mr. M'Cue, from the joint committee on the propriety of increasing the salary of the governor, presented the following bill:

No. 20. A bill to increase the salary of the governor of this commonwealth, which on his motion was taken up and read the first time; thereupon a motion was made by Mr. FAULKNER, that the farther consideration thereof be indefinitely postponed, and it was determined in the affirmative. Ayes 107, noes 14.

On motion of Mr. HARRISON of Loudoun, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Nock, Hart, Watson, Layne of Alleghany, Boisseau, Cheatham, Sheffey, Byrd, Mitchell, Burwell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moore, Wills, Moncure of Caroline, Jones, Barbour, Vaughan, Clarke, Thomas, Rector, M'Clung, Howard of Floyd, Stillman, Claiborne, Edwards, Wood, Sydnor, Baily, Clopton, Carroll, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Welton, Bassel, Mullins, Boykin, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Houser, Tomlin, Webb, Lane of Lee, Harrison of Loudoun, White, Beard, Harris, Edmondson, Newnan, Arnett, M'Donald, Shepard, Coleman, Whittle, Tahzey, Beirne of Monroe, Barnett, Gustin, Kilby, Butt, Cowper, Yerby, Booth, Buswell, Turner, Hiner, Syme, Cackley, Fairfax, Herbert, Wootton, Rives, Harrison of Prince William, Goff, Strother, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Griffin, Moncure of Stafford, Hargrave, Nicholson, Burdett, George, Boyers, Massey, Harvey, Collins and Boyd—107.

NOES—Messrs. Powell, M'Cue, Irvine of Campbell, Irving of Cumberland, Segar, Price, Lancaster, Laidley, Ferguson, Clendenin, Robinson, Pitts, Pannell and Conway—14.

Resolved, That the said bill be rejected.

On motion of Mr. CONWAY,

Resolved, That the committee of propositions and grievances enquire into the expediency of amending the act concerning conveyances or devises of places of meeting of certain benevolent associations, passed March 31, 1848, so as to give all such associations the right to hold real estate for cemetery purposes.

On motion of Mr. HOWARD of Floyd,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of regulating constables' fees within this commonwealth, in civil cases, so as not to allow a fee of more than twenty cents for executing a warrant for debt, and twelve cents for summoning a witness, and to limit their commissions upon all collections to five per cent.

On motion of Mr. DORMAN,

Resolved, That the committee for courts of justice enquire into the expediency of so reconciling the laws of this commonwealth with the provisions of our state constitution, as to extend and secure the right of voting to all white male citizens aged twenty-one years and upwards, who are housekeepers and heads of families.

On motion of Mr. KILBY,

Resolved, That the committee for courts of justice enquire into the expediency of repealing the sixth section of the act passed 5th March

1846, entitled "an act concerning western lands, and for other purposes," and providing instead thereof, that purchasers of lands sold for nonpayment of taxes previous to that time, may obtain from the clerk of the county or corporation court where the same may be, deeds for the same, whether for whole or parts of tracts, and without further description than is contained in the officer's receipt who may have sold the same.

On motion of Mr. BASSEL,

Resolved, That the committee for courts of justice enquire into the expediency of passing an act explanatory of the 14th section of the act passed March 14th, 1848, in reference to the limitation of prosecutions in certain cases.

Mr. ALLEN presented a petition of Reuben Davis, sheriff of the county of Hampshire, asking to be released from the payment of a fine, which was ordered to be referred to the committee of claims.

On motion of Mr. HOWARD of Williamsburg,

Ordered, That leave be given to withdraw the petition of Scervant Jones, presented at the last session of the general assembly.

Mr. THOMAS presented a petition of Peter Moore, asking to be divorced from his wife Susan, which was ordered to be referred to the committee for courts of justice.

On motion of Mr. SHEFFEX, the house adjourned until to-morrow 12 o'clock.

FRIDAY, DECEMBER 15, 1848.

A communication from the senate by their clerk, was read as follows:

IN SENATE, DECEMBER 14, 1848.

The senate have agreed to the resolutions for the election of a brigadier general for the 8th brigade, and providing for furnishing the lunatic asylums with certain books and public documents.

The SPEAKER laid before the house a communication from the governor, enclosing the proceedings of an internal improvement meeting holden at Staunton on the 2d of October last, proposing to extend the eastern and western termini of the Louisa railroad, and commenting upon the said proposition; which being read, was, on motion of Mr. STOVALL, ordered to be laid upon the table and be printed. [Doc. No. 28.]

Mr. JONES, from the committee of propositions and grievances, presented the following bills, which were subsequently read the first, and ordered to be read a second time, viz:

No. 21. A bill to change the place of holding a separate election in the county of Fairfax.

No. 22. A bill to change the place of holding a separate election in the county of Tyler.

No. 23. A bill authorizing a separate election at the house of John Coe, in the town of Palestine in the county of Wirt.

No. 24. A bill authorizing a separate election at the New school-house in the county of Pendleton.

No. 25. A bill authorizing a separate election at the house of Thomas F. Hatcher, in the county of Franklin.

No. 26. A bill to amend the act passed April 4th, 1848, entitled "an act amending the act, entitled 'an act concerning oysters and terrapins, and the penalties in regard to them,' passed March 22d, 1847," and for other purposes.

Mr. FLOYD, from the committee of roads and internal navigation, presented a report upon the resolution for incorporating a company to improve the road from Fincastle to Price's mountain; and the following bills, the first of which was subsequently read the first, and ordered to be read a second time, viz:

No. 27. A bill to incorporate the Alexandria marine railway company.

No. 28. A bill to authorize Josiah C. Wilson to construct a wharf on James river in the county of Charles City.

No. 29. A bill to authorize the mayor and common council of the town of Fredericksburg to subscribe for stock in the Fredericksburg and Blue Ridge railroad company; and

No. 30. A bill to authorize the Maryland and Virginia steam packet company to hold a limited amount of real estate.

Mr. HERBERT, from the committee of agriculture and manufactures, presented the following bill:

No. 31. A bill incorporating the Piny run iron factory.

Mr. STROTHER, from the committee for courts of justice, presented reports upon the resolutions for authorizing the judges of the circuit courts in vacation to order the venue to be changed as in court; for amending the 8th section of the 19th chapter of the Criminal Code; and for amending the first section of the chapter regulating bail in criminal cases; and upon the petition of the Rev. Isaac Soule; and the following bills:

No. 32. A bill to prevent the removal of free negroes and mulattoes to the City of Norfolk.

No. 33. A bill divorcing Peter Moore from his wife Susan; and

No. 34. A bill authorizing in certain cases the transfer or removal of money or other personal property from the state.

On motion of Mr. SYME,

Resolved, That the committee on the militia enquire into the expediency of providing by law for the election of brigadier generals by the commissioned officers of each brigade.

On motion of Mr. WOOD,

Resolved, That the committee of privileges and elections have leave to send for persons and papers in examining the contested election from the county of Buckingham.

Mr. WOOD then presented sundry documents to be used as evidence in said contested election, which were ordered to be referred to the committee of privileges and elections.

On motion of Mr. MARTZ,

Resolved, That so much of the governor's message as relates to the sale of bank stock owned by the state, be referred to the committee on finance.

On motion of Mr. M'CLUNG,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of changing the time of holding the spring term 1849 of the circuit superior court of law and chancery of Nicholas county.

On motion of Mr. M'CLUNG,

Resolved, That the committee of propositions and grievances be instructed to enquire into the expediency of amending the act passed March 6th, 1848, entitled "an act authorizing two separate elections in the county of Fayette."

On motion of Mr. KILBY,

Resolved, That the printer to the commonwealth be and he is hereby instructed to print for the use of the members of this house 4000 copies of the report of the finance committee. [Doc. No. 27.]

On motion of Mr. ROBINSON,

Resolved, That the committee on agriculture and manufactures enquire into the expediency of reviving the act passed January 21st, 1837, entitled "an act to incorporate the American insurance company of Norfolk, Virginia," with such amendments as may be deemed advisable.

On motion of Mr. LAYNE of Alleghany,

Resolved, That the committee of roads and internal navigation enquire into the expediency of constructing a turnpike road on state account from Vance's in the county of Bath, to Shumate's tavern in the county of Alleghany.

On motion of Mr. PITTS,

Resolved, That the committee on the militia laws be instructed to enquire into the expediency of dividing the tenth brigade of the third division, and of forming a new brigade out of the same.

On motion of Mr. DORMAN,

Resolved, That the committee for courts of justice enquire into the expediency of requiring keepers or exhibitors of bowling alleys to obtain licenses from the county or corporation courts of those counties or towns in which such alleys may be located.

On motion of Mr. BURDETT,

Resolved, That the committee of propositions and grievances enquire into the expediency of establishing a separate precinct election at the house of Robert Reid in the county of Taylor.

On motion of Mr. MOORE,

Resolved, That the committee on propositions and grievances enquire into the propriety of so amending the laws of this state in relation to ferries, as to prohibit persons of other states from landing their ferry boats at the ferries belonging to citizens of our state without permission; also to amend the said laws in relation to ferrying large wagons, as that the ferriage shall be in proportion to the number of tons carried over.

On motion of Mr. CONWAY,

Resolved, That the committee of propositions and grievances enquire into the expediency of incorporating the Fredericksburg steam-boat company.

On motion of Mr. FAULKNER, the resolution submitted by him on the 13th instant was taken up, amended on motion of Mr. WATSON, and as amended agreed to as follows:

Resolved, That a committee be appointed to enquire how far the existing legislation of congress, under the 2d section and 4th article of the constitution, fulfils the intent and object of that instrument in affording an adequate remedy for the recapture of slaves absconding from this state into the nonslaveholding states of this confederacy; and if found inadequate in its provisions, that they suggest such relief as the urgency of the case requires; and also the mode in which the rights of the citizens of this state and the other slaveholding states of the Union shall be brought to the attention of the congress of the United States, and that said committee have leave to report by bill or otherwise.

And a committee was appointed of Messrs. Faulkner, Watson, Townes, Robinson, Worthington, Segar, Sheffey, Pitts, Ferguson, Massey and Vaughan.

The SPEAKER laid before the house the following letter, which was read, and, on motion of Mr. STOVALL, ordered to be laid upon the table, viz:

RICHMOND, 15th Dec'r 1848.

To the Hon'ble Speaker of the House of Delegates.

SIR,—I hereby tender to you my resignation as a member of the general assembly of Virginia from the county of Washington: and desire that the same shall take effect from and after the 24th day of this month.

Very respectfully, yr. ob't serv't,

JOHN B. FLOYD.

On motion of Mr. MONCURE of Stafford,

Resolved, That the speaker of this house issue a writ of election to the sheriff of Washington county for the election of a delegate to fill the vacancy occasioned by the resignation of John B. Floyd, Esq.

Mr. LAIDLEY presented a petition of Frederick Moore of Wayne county, praying for the release to him of the commonwealth's title to a parcel of land lying in said county.

Mr. CARDWELL, a petition of citizens of the county of Charlotte, praying for a change of the laws in relation to free persons of colour.

Ordered, That the said petitions be referred to the committee for courts of justice.

Mr. HARRISON of Brunswick presented a petition of citizens of the county of Brunswick, asking for the incorporation of the Red Oak academy in that county.

Mr. BURDETT, a petition of citizens of the county of Taylor, asking an appropriation to Rector college in said county.

Ordered, That the said petitions be referred to the committee of schools and colleges.

Mr. THOMPSON of Botetourt presented a petition of citizens of the county of Botetourt, asking that the Farmers Bank of Virginia or the Exchange Bank may be allowed to establish a branch bank in the town of Fincastle in the said county, which was ordered to be referred to the committee on banks.

Mr. GOFF presented a petition of citizens of the counties of Randolph and Preston, for a turnpike road from or near the German settlement in Preston county, to a point on the Beverley and Fairmont turnpike on Leading creek.

Mr. LAIDLEY, a petition of the president and directors of the James river and Kanawha company, for the state's guarantee of their bonds for making the tidewater connection, for the means of improving the Kanawha navigation, and for aid to construct the Southside and Rivanna connections.

Ordered, That the said petitions be referred to the committee of roads and internal navigation.

On motion of Mr. LAIDLEY,

Ordered, That the said last petition be printed. [Doc. No. 29.]

On motion of Mr. GOFF, leave was granted to withdraw the petition presented at the last session of the legislature, of citizens of the county of Randolph, for the formation of a new county out of parts of the counties of Randolph and Preston; and also the memorial of other citizens of said county, remonstrating against the same; thereupon he again presented the same, and they were ordered to be referred to the committee of propositions and grievances.

Mr. SEGAR presented a petition of citizens of the counties of Elizabeth City and Warwick, asking for an amendment to the laws concerning oysters, which was ordered to be referred to the said committee.

Mr. ROBINSON presented a petition of Jane Dorney and others, asking to be allowed compensation for the services of their ancestor John Woodsides during the revolution.

Mr. HARRIS, a petition of Nelson A. Burruss, Samuel P. Hackett and James H. Hackett, deputies of Peter M. Daniel, sheriff of the county of Louisa, praying the remission of a fine.

Ordered, That the said petitions be referred to the committee of claims.

No. 2. An engrossed bill concerning Ulysses Hinchman of the county of Logan, was read a third time and passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

No. 11. A bill concerning juries in civil cases, was, on motion of Mr. STROTHER, ordered to be laid upon the table.

The following reports of the committee for courts of justice were read and agreed to, viz:

The committee for courts of justice have, according to order, had under consideration the petition of the members of the Huron fire

company in Wellsburg, "asking exemption from the duties of jurors in civil cases," to them referred, and have come to the following resolution thereupon :

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee for courts of justice have, according to order, had under consideration "a communication from Judge Estill, suggesting amendments in the criminal and civil laws of the commonwealth," to them referred, and ask to be discharged from the further consideration thereof, and recommend that it be referred to the committee of revision.

The following bills were read a second time, and ordered to be engrossed and read a third time, viz :

No. 6. A bill authorizing a separate election at the house of Charles Zinn in the county of Barbour.

No. 7. A bill to change the place of holding a separate election in the county of Fairfax.

No. 8. A bill authorizing a separate election at the house of John Helmick in the county of Lewis.

No. 9. A bill authorizing a separate election at the house of Charles C. See in the county of Randolph.

No. 10. A bill to repeal so much of the act, entitled "an act prescribing the mode of electing trustees for the town of Darkesville in the county of Berkeley, and vesting them with certain corporate powers, and of electing trustees of the town of Romney in the county of Hampshire," as concerns the said town of Darkesville.

No. 12. A bill changing the time of holding the county court of the county of Braxton.

No. 13. A bill authorizing the payment of a certain sum of money to J. K. Pitzer, deputy for Elias Thomas, sheriff of Roanoke county.

No. 14. A bill to incorporate the Suffolk savings bank.

No. 15. A bill divorcing Sarah Ann Raymond from her husband Henry P. Raymond; and

No. 16. A bill to amend the act, entitled "an act to limit the assessment upon tithables, and to authorize a tax upon property, for the purpose of defraying county expenditures within the county of Berkeley," passed March 5th, 1835.

The following bills were read the first, and ordered to be read a second time, viz :

No. 17. A bill changing the time of holding the April term of the county court of Mason county.

No. 18. A bill providing for the payment of the balance of the purchase money for the copyright of Davis's Criminal Law; and

No. 19. A bill releasing to John A. Kinnaird, sheriff of Wood county, the amount of a judgment of the general court.

On motion of Mr. THOMPSON of Botetourt, the house adjourned until to-morrow 12 o'clock.

SATURDAY, DECEMBER 16, 1848.

Mr. STROTHER, from the committee for courts of justice, presented reports upon the resolutions for requiring clerks of courts to copy partly proved deeds in books, &c., for amending the 16th section of the 15th chapter of the Criminal Code; for allowing grand jurors compensation for their services; and for extending the jurisdiction of justices of the peace in cases of assault and battery; and the following bills, which were subsequently read the first and ordered to be read a second time:

No. 35. A bill providing for taking the relinquishment of dower in the estate of lunatics; and

No. 36. A bill to create a new judicial circuit, and for other purposes.

Mr. POWELL, from the committee of claims, presented the following bill, which was in like manner read the first and ordered to be read a second time, viz:

No. 37. A bill releasing to Joel Ferguson a certain fine imposed by the circuit superior court of law and chancery for Wayne county.

On motion of Mr. THOMAS,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of declaring by law the appellate jurisdiction of the circuit superior courts, so that uniformity may be had therein in the action of the several judges of this commonwealth.

On motion of Mr. THOMPSON of Smyth,

Resolved, That the memorial of the Lynchburg and Tennessee railroad company, together with the report of the president and directors and engineer of that company, be printed for the use of the house. [Doc. No. 30.]

On motion of Mr. THOMPSON of Smyth,

Resolved, That the committee of claims enquire into the expediency of allowing John C. Rogers twenty-one dollars and eighty-eight cents for the tuition of poor children.

On motion of Mr. ARNETT,

Resolved, That the committee on finance enquire into the expediency of changing the mode of appointment of commissioners of the revenue for this commonwealth.

On motion of Mr. BEIRNE of Monroe,

Resolved, That the committee on finance be directed to enquire into the expediency, should the present condition of the finances require it, of selecting some new subjects of taxation and imposing a nominal tax upon some with a view to qualify most citizens twenty-one years and upwards, who are housekeepers and heads of families, to exercise the right of suffrage.

Mr. COOK submitted the following resolution, which, on motion of Mr. DORMAN, was ordered to be laid upon the table, viz:

Resolved, That a select committee be appointed of the members of this house to visit the Virginia military institute, attend the semi-annual examination of the cadets, on the first of January next, report

upon its condition, and particularly with regard to the recommendation of the board of visitors concerning the reconstruction of the buildings.

On motion of Mr. BURDETT,

Resolved, That the committee of schools and colleges be instructed to enquire into the expediency of reporting bill No. 281 of the last session, relating to colleges and academies.

On motion of Mr. HARRIS,

Resolved, That the committee on finance be instructed to enquire into the expediency of changing the time of issuing licenses in this commonwealth from the May courts to the November courts of each year.

On motion of Mr. SHEFFEY,

Resolved, That the report of the visitors of the institution for the education of the deaf and dumb and of the blind be referred to the committee on schools and colleges.

On motion of Mr. WATSON,

Resolved, That it be referred to the committee for courts of justice to enquire into the expediency of so amending the provisions of the 21st chapter of the Criminal Code of the last session touching insane offenders, as either to make it the duty of the court to try the question of insanity at the time of the trial, dispensing altogether with the preliminary jury now required for that purpose, or to restrict that jury to the question of insanity at the time of trial, without allowing it to enquire also whether the prisoner was insane at the time of the offence committed.

Mr. SEGAR presented a petition of merchants of the City of Norfolk, citizens of the county of Elizabeth City, and of the pilots of Virginia, asking a modification of the pilot laws.

On motion of Mr. SEGAR,

Resolved, That the memorial of the merchants of Norfolk City, the citizens of Elizabeth City county, and pilots of this state, with all other like memorials, and with bill No. 475 of the last session, establishing and regulating the rates of pilotage in certain waters of Virginia, be referred to a select committee, with leave to report by bill or otherwise.

The SPEAKER deferred announcing said committee until Monday.

On motion of Mr. MONCURE of Caroline,

Resolved, That the committee for courts of justice enquire into the expediency of changing the time of commencement of the spring term of the circuit superior court of law and chancery for the county of Caroline.

On motion of Mr. CLENDENIN,

Resolved, That the committee on roads and internal navigation enquire into the expediency of reporting a bill to appropriate a sum of money to aid in the rebuilding of bridges on the Charleston and Point Pleasant turnpike road, destroyed by the freshet in the Great Kanawha river in December 1847.

On motion of Mr. FERGUSON,

Resolved, That the committee of propositions and grievances enquire into the expediency of changing the place of holding the separate

election in the county of Boone, now required to be held at the house of Benjamin Harris, on Horse creek, to the house of William Cummins on Mud river.

Mr. MOORE presented a petition of Cynthia H. Calloway, praying for a divorce from her husband James G. Calloway.

Mr. PITTS, a petition of the directors of the several fire companies of the City of Wheeling, asking to be exempt from serving on juries, and for further legislation on the subject of fines on said companies.

Also a petition of John M'Culloch, clerk of the county court of Ohio, relative to the recording of deeds which may have been partly proved.

Ordered, That the said petitions be referred to the committee for courts of justice.

Mr. TANZEY presented a petition of citizens of the town of Granville, in the county of Monongalia, for an enlargement of the powers of the trustees of said town, which was ordered to be referred to the committee of propositions and grievances.

Mr. ARNETT presented a petition of Zedekiah Kidwell, asking that the clerk of the county court of Harrison may be authorized to convey to him certain lands sold for the nonpayment of taxes, which was ordered to be referred to the committee for courts of justice.

Mr. YERBY presented a petition of citizens of the City of Richmond, for an enlargement of the jurisdiction of a single justice of the peace to fifty dollars, within the said city, which was ordered to be referred to the special committee on that subject heretofore appointed.

On motion of Mr. CLENDENIN,

Ordered, That leave be given to withdraw the petition of citizens of the county of Mason, for an appropriation of the revenue of said county, or so much as may be necessary for rebuilding the bridges and repairing the public landings, which were destroyed or injured by the freshet in said county in 1847; thereupon he again presented the same, and it was ordered to be referred to the committee of roads and internal navigation.

Reports of the committee for courts of justice, reporting it inexpedient to extend the jurisdiction of justices of the peace to cases of assault and battery; to allow grand jurors compensation for their services; to amend the act requiring clerks of courts to copy partly proved deeds in books; and rejecting the petition of the Rev'd Isaac Soule, were on motions severally made, ordered to be laid upon the table.

The following reports of the same committee were read and agreed to:

The committee for courts of justice have, according to order, enquired into the expediency of amending the first section of the chapter regulating bail in criminal cases, in the new Criminal Code, so as to allow the committing justice and the examining court to grant bail to prisoners charged with crime punishable with death or confinement in the penitentiary, when there is only a probable cause of the guilt of the accused, and refuse it in such cases when there is a remote probability of their innocence: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to amend the law as proposed.

The committee for courts of justice have, according to order, enquired into the expediency of amending the 8th section of the 19th chapter of the Criminal Code, so as to require a concurrence of sixteen of the number of the grand jury, before an indictment or presentment shall be found by them: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to amend the law as proposed.

The committee for courts of justice have, according to order, enquired "into the expediency of so amending the act, passed the 14th March 1848, concerning crimes and punishments, and proceedings in criminal cases, as to authorize the judges of the circuit superior courts of law and chancery in vacation, to order the *venue* to be changed in criminal cases in the same manner they may now do in court, by virtue of the 24th section of the act above recited, and also into the expediency of authorizing the clerks of the courts to or from which the trial may be sent, or any justice of the peace, to issue subpoenas for witnesses, as well on behalf of the commonwealth as the accused:" Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to amend the act referred to as proposed.

The committee for courts of justice have, according to order, enquired into the expediency of amending the 16th section of the 15th chapter of an act to reduce into one the several acts concerning crimes and punishments, and proceedings in criminal cases, passed March 4th, 1848: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to make any change in the law referred to.

The following report of the committee of roads and internal navigation was read and agreed to:

The committee of roads and internal navigation have considered the petition of sundry citizens of Botetourt county, asking the incorporation of a company to improve the road from Fincastle to Price's mountain, together with a remonstrance from other citizens against the said petition; and the committee have come to the following resolution thereupon:

Resolved, That it is inexpedient to incorporate the company asked for.

The following engrossed bills were read a third time and passed, viz:

No. 6. A bill authorizing a separate election at the house of Charles Zinn in the county of Barbour.

No. 7. A bill to change the place of holding a separate election in the county of Fairfax.

No. 8. A bill authorizing a separate election at the house of John Helmick in the county of Lewis.

No. 9. A bill authorizing a separate election at the house of Charles C. See in the county of Randolph.

No. 10. A bill to repeal so much of the act, entitled "an act prescribing the mode of electing trustees for the town of Darkesville in the county of Berkeley, and vesting them with certain corporate powers, and of electing trustees of the town of Romney in the county of Hampshire," as concerns the said town of Darkesville.

No. 12. A bill changing the time of holding the county court of the county of Braxton.

No. 13. A bill authorizing the payment of a certain sum of money to J. K. Pitzer, deputy for Elias Thomas, sheriff of Roanoke county.

No. 14. A bill to incorporate the Suffolk savings bank.

No. 15. A bill divorcing Sarah Ann Raymond from her husband Henry P. Raymond; and

No. 16. A bill to amend the act, entitled "an act to limit the assessment upon titheables, and to authorize a tax upon property for the purpose of defraying county expenditures within the county of Berkeley," passed March 5th, 1835.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

The following bills were read a second time, and ordered to be engrossed and read a third time:

No. 17. A bill changing the time of holding the April term of the county court of Mason county.

No. 18. A bill providing for the payment of the balance of the purchase money for the copy right of Davis's Criminal Law.

No. 19. A bill releasing to John A. Kinnaird, sheriff of Wood county, the amount of a judgment of the general court.

No. 21. A bill to change the place of holding a separate election in the county of Fairfax.

No. 22. A bill to change the place of holding a separate election in the county of Tyler.

No. 23. A bill authorizing a separate election at the house of John Coe in the town of Palestine in the county of Wirt.

No. 24. A bill authorizing a separate election at the New schoolhouse in the county of Pendleton.

No. 25. A bill authorizing a separate election at the house of Thomas F. Hatcher in the county of Franklin; and

No. 27. A bill to incorporate the Alexandria marine railway company.

The following bills were read the first time, and ordered to be read a second time, viz:

No. 28. A bill to authorize Josiah C. Wilson to construct a wharf on James river in the county of Charles City.

No. 29. A bill to authorize the mayor and common council of the town of Fredericksburg to subscribe for stock in the Fredericksburg and Blue Ridge railroad company.

No. 30. A bill to authorize the Maryland and Virginia steam packet company to hold a limited amount of real estate.

No. 31. A bill incorporating the Piney run iron factory.

No. 32. A bill to prevent the removal of free negroes and mulattoes to the City of Norfolk.

No. 33. A bill divorcing Peter Moore from his wife Susan; and

No. 34. A bill authorizing in certain cases the transfer or removal of money or other personal property from the state.

On motion of Mr. WHITTLE, the house adjourned until Monday 12 o'clock.

MONDAY, DECEMBER 18, 1848.

Mr. JONES, from the committee of propositions and grievances, presented a report upon the petition of citizens of the town of Point Pleasant; and the following bill:

No. 38. A bill to authorize a separate election at the house of Apollo Stephens, in the county of Mason.

Mr. FLOYD, from the committee of roads and internal navigation, presented the following bills:

No. 39. A bill to amend the act passed April 1st, 1848, incorporating the Old Courthouse and Abingdon turnpike company:

No. 40. A bill to authorize Edward T. Tayloe of King George county, to charge wharfage at his wharf on the Rappahannock river.

No. 41. A bill directing a survey of the North and South forks of the Holston river; and

No. 42. A bill to authorize James Paxton of the county of Boteourt, to erect a mill dam across the Eastern branch of the Cowpasture river.

Mr. DORMAN, from the committee on the militia laws, presented the following bill:

No. 43. A bill concerning the Virginia regiment of volunteers.

Mr. STROTHER, from the committee for courts of justice, presented reports upon the petition of citizens of the county of Charlotte, for a change in the laws in relation to free negroes; and upon the resolutions for lessening the fees of constables; for repealing the sixth section of the act concerning western lands, and for other purposes; and for explaining the 14th section of the act in reference to the limitation of prosecutions in certain cases; and the following bills:

No. 44. A bill authorizing the clerk of the county court of Fairfax to convey to John Powell a certain lot of land; and

No. 45. A bill authorizing the sale of the real estate of Roger Atkinson of the county of Halifax.

Mr. SHEFFEY, from the committee on lunatic asylums, presented the following bill:

No. 46. A bill providing for the purchase of furniture for the Eastern and Western asylums, and for other purposes.

All the said bills were subsequently read the first, and ordered to be read a second time.

On motion of Mr. CHEATHAM,

Resolved, That the committee of roads and internal navigation enquire into the expediency of amending the act of the 10th of February 1848, providing for sundry connections between the James river canal and the south side, so as to enable and require the James river and Kanawha company to make suitable connections at Bent Creek, Hardwicksville, and New Canton.

On motion of Mr. SYME,

Resolved, That the committee of roads and internal navigation enquire into the expediency of incorporating a company to construct a railroad from the town of Petersburg to the town of Lynchburg.

On motion of Mr. SYME,

Resolved, That the Board of public works communicate to this house that part of the last annual report or proceedings of the Petersburg railroad company omitted in the last report of said board, to wit, the charges preferred against the president of the company of collusion with the James river and bay steamboats to divert travel from the railroads north of Petersburg, together with the instructions of the said board to their proxy to examine into them, and the defence of the president, with the accompanying documents, and the proceedings of the stockholders on the subject.

On motion of Mr. BARNETT,

Resolved, That the committee of propositions and grievances enquire into the expediency of establishing a precinct election at the house of John Roop in the county of Pulaski.

Mr. THOMSON of Jefferson submitted the following resolution :

Resolved, That a special committee be appointed to enquire into the expediency of directing the governor of the commonwealth to have prepared and to present a sword to Francis Otway Byrd, a native of Clarke county, Virginia, for his gallant services as lieutenant of artillery in the United States service during the war of 1812, in the Canada campaigns and others on the northern frontier ; and especially for the part he bore in the bloody conflicts of Chippewa, Niagara or Lundy's lane, as well as siege and sortie from Fort Erie, and further for his service under Decatur in the expedition against Algiers, in which he volunteered as an officer of artillery and bombardiers.

A motion was made by Mr. PANNELL to amend the same, by striking out the words "Francis Otway Byrd," and inserting in lieu thereof the words, "all the Virginia officers who distinguished themselves in the war of 1812 and 13, also in the late war, who have not heretofore been presented with swords by the state," and it was determined in the negative.

The resolution was then agreed to, and a committee was appointed of Messrs. Thomson of Jefferson, Floyd, Pannell, Robinson, Segar, Lacy and Nicholson.

The SPEAKER announced the following as the committee under the resolution submitted on Saturday by Mr. SEGAR, relative to the pilot laws : Messrs. Segar, Robinson, Cowper, Kilby, Shepard, Howard of Williamsburg, Mayo, Syme, Lancaster and Lacy.

On motion of Mr. DORMAN, the resolution submitted on Saturday by Mr. Cook was taken up, and amended on motion of Mr. MASSEY as follows :

Resolved, That a select committee be appointed of the members of this house to visit the Virginia military institute, attend the semi-annual examination of the cadets on the 1st of January next, report upon its condition, and particularly with regard to the recommendation of the board of visitors concerning the reconstruction of the buildings ; and also that the said committee shall visit the Virginia institute for the education of the deaf, dumb, and of the blind, and enquire into and report to this house its condition and prospects ; and the propriety in their estimation of improving and enlarging the buildings, as pro-

posed by the principals in their late report to the president and visitors of that institution.

On motion of Mr. YERBY, the said resolution was ordered to be laid upon the table.

On motion of Mr. WORTHINGTON,

Resolved, That the committee for courts of justice enquire whether the laws relating to executors and guardians require alteration or amendment, so as to provide further remedies for those interested in the estate of the testator in cases in which, by the will, said fiduciaries are not required to give security.

On motion of Mr. FAULKNER,

Resolved, That so much of the report of the revisors of the Civil Code of Virginia as is embraced in the 19th chapter of said Code, and which concerns the state library, be referred to the joint committee on the public library.

On motion of Mr. SMITH,

Resolved, That the committee on banks be instructed to enquire into the expediency of regulating by law whether any and what grace shall be allowed by the banks of this commonwealth on bills of exchange and drafts drawn payable at sight.

On motion of Mr. FERGUSON,

Resolved, That it be referred to the committee for courts of justice to enquire into the expediency of changing the laws in relation to the sale of lands returned delinquent for the nonpayment of taxes, so as to give the person or persons having title to such lands, or any portion of them, either legal or equitable, right to redeem the same at any time thereafter by paying the taxes and damages thereon, and also the value of the improvements made thereon after such sale, with other suitable modifications.

On motion of Mr. HERBERT,

Resolved, That the committee on finance enquire into the expediency of making the owner, and not the hirer, pay the taxes on negroes.

On motion of Mr. LAIDLEY,

Resolved, That the committee on the library consider and report upon the expediency of procuring an accurate topographical map of the state upon an enlarged scale, to be engraved and printed and furnished to the clerks of the several county courts.

On motion of Mr. LAIDLEY,

Resolved, That the committee for courts of justice enquire into the expediency of so amending the 48th section of the act, passed the 16th day of April 1831, concerning circuit superior courts, as to empower the judges of said courts to make an allowance to the several clerks thereof, for public services, not exceeding five dollars for each commonwealth's prosecution, in all cases where the fees of such clerks shall not be collected from the defendant, in lieu of the allowance provided for by said act.

Mr. SHEFFEY submitted the following resolution, which, on motion of Mr. STOVALL, was ordered to be laid upon the table and be printed.
[Doc. No. 31.]

Whereas by the joint resolution passed March 18, 1847, it is made the duty of the public printer to deliver to the members and officers of the general assembly and the other officers of government, the reports of public officers, visitors, superintendents, agents, &c. in octavo form and bound in boards on the first day of the annual session of said assembly; and whereas great hindrance to the legislation of the general assembly arises from the delay in the delivery of said reports:

1. *Be it therefore resolved by the general assembly*, That instead of delivering said reports bound, the public printer be directed to print and deliver to each member of the general assembly, three copies of each of said reports, unbound and in numbers, on the first day of the annual session of said assembly, and one copy to each of the officers of the general assembly and the other officers of the government; and that in other respects he comply with the joint resolutions on the subject, passed on the 18th March 1847, and on the 7th December 1848, except that he shall, at the end of the session, deliver to the governor fifty copies of the reports and public documents bound together, and a like number of copies of the journal to be distributed according to the resolution of the 18th March 1847, and that he print and deliver to the secretary of the commonwealth for distribution an additional number of copies sufficient to supply one copy of the journal and one copy of the public reports and documents to each of the colleges in this commonwealth, to the Virginia military institute, to each of the asylums for the maintenance and cure of insane persons, and to the institution for the education of the deaf and dumb and of the blind.

2. *Be it further resolved*, That the clerk of the house of delegates be directed to file for preservation, one printed copy of each bill instead of the number now required.

On motion of Mr. COWPER,

Resolved, That the committee of claims enquire into the propriety of allowing and refunding to William T. Lemosy a certain sum of money paid by him into the treasury of the state in the year 1847.

On motion of Mr. HINER,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of passing a law to provide that when any person or persons' lands be so situated as that he or they cannot irrigate them, without the water passing upon and overflowing the coterminous lands, that he or they be permitted to enter upon such coterminous land and construct or cause to be constructed such French drain or drains as may be necessary to prevent such spread or overflow of water.

Mr. ALLEN presented a petition of Susan C. Armstrong and others, asking for the passage of an act authorizing the sale of certain real estate therein mentioned.

Mr. PERROW, a petition of Isaac Womeldorf, Landon R. Fogus and James B. Christian, asking to be allowed compensation as jurors on the trial of Wyatt Hare.

Mr. POWELL, a petition of William N. F. Hill, asking to be divorced from his wife Cordelia.

Ordered, That the said petitions be referred to the committee for courts of justice.

Mr. BARBOUR presented a petition of citizens of the county of Culpeper, for the establishment of a separate election at the storehouse of Charles Smith, in said county.

Mr. PITTS, a petition of E. C. Crumbacker and others, of the City of Wheeling, for an act to incorporate the Sons of Temperance association of said city.

Mr. BYRD, a petition of citizens of the county of Highland, to change the place of holding a separate election in said county, from the house of Mrs. Jane Stephenson to that of John Wiley.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

On motion of Mr. PRICE,

Ordered, That leave be given to withdraw the petition of citizens of the town of Lewisburg, presented to the general assembly in the year 1846-7, asking an enlargement of the limits of the town, and to increase the powers of the trustees, relative to taxing the citizens thereof; thereupon he again presented the same, and it was ordered to be referred to the same committee.

On motion of Mr. MOORE,

Ordered, That leave be given to withdraw the petition of citizens of the town of Guyandotte, presented at the last session of the legislature, for an act incorporating the trustees of said town.

Mr. BURWELL presented a petition of citizens of the county of Bedford, praying that Goose creek may be declared a lawful fence from the line of Campbell county to Holligan's ford, in the county of Bedford, which was ordered to be referred to the committee on agriculture and manufactures.

Mr. MAJOR presented a petition of Stephen Kent, asking to be refunded the interest upon a debt due Nicholas Coles' estate, paid into the treasury by said Kent, under a decree of court.

Mr. STOVALL, sundry documents to be used as evidence to sustain said petition.

Mr. CLENDENIN, a petition of John D. D. Rosset, asking that a sum of money erroneously paid by him into the treasury, may be refunded.

Mr. HARRISON of Prince William, a petition of James Cornwell, asking to be released from the payment of a fine.

Mr. ROBINSON, a petition of commodore James Barron, asking to be allowed commutation pay for revolutionary services.

Ordered, That said petitions be referred to the committee of claims. The following engrossed bills were read a third time and passed, viz :
No. 17. A bill changing the time of holding the April term of the county court of Mason county.

No. 18. A bill providing for the payment of the balance of the purchase money for the copy right of Davis's Criminal Law.

No. 19. A bill releasing to John A. Kinnaird, sheriff of Wood county, the amount of a judgment of the general court.

No. 21. A bill to change the place of holding a separate election in the county of Fairfax.

No. 22. A bill to change the place of holding a separate election in the county of Tyler.

No. 23. A bill authorizing a separate election at the house of John Coe in the town of Palestine in the county of Wirt.

No. 24. A bill authorizing a separate election at the New schoolhouse in the county of Pendleton.

No. 25. A bill authorizing a separate election at the house of Thomas F. Hatcher in the county of Franklin; and

No. 27. A bill to incorporate the Alexandria marine railway company.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

The following bills were read a second time, and ordered to be engrossed and read a third time, viz :

No. 28. A bill to authorize Josiah C. Wilson to construct a wharf on James river in the county of Charles City.

No. 29. A bill to authorize the mayor and common council of the town of Fredericksburg to subscribe for stock in the Fredericksburg and Blue Ridge railroad company.

No. 30. A bill to authorize the Maryland and Virginia steam packet company to hold a limited amount of real estate.

No. 31. A bill incorporating the Piney run iron factory.

No. 33. A bill divorcing Peter Moore from his wife Susan; and

No. 37. A bill releasing to Joel Ferguson a certain fine imposed by the circuit superior court of law and chancery for Wayne county.

The following report of the committee of propositions and grievances was read and agreed to :

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of the town of Point Pleasant in the county of Mason, to them referred, representing some inconvenience, and perhaps losses, to which they are often subjected, in consequence of not always having a sheriff, or some equivalent officer, at hand to execute process, at a border jurisdiction like theirs, where offenders frequently escape into the state of Ohio before the sheriff of the county of Mason can be found, &c.; and praying therefore that their town serjeant may be invested with power to execute process, civil or criminal, whether issued by the courts or the judges or justices thereof, within the corporation of said town and vicinity, not exceeding a distance of five miles from the said corporation limits: Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners be rejected.

The following reports of the committee for courts of justice were read and severally agreed to :

The committee for courts of justice have, according to order, enquired into the expediency of repealing the 6th section of the act passed 5th March 1846, entitled "an act concerning western lands, and for other purposes," and providing instead thereof that purchasers of land sold for nonpayment of taxes previous to that time, may obtain from the clerk of the county or corporation court where the same

lie, deeds for the same, whether for whole or parts of tracts, and without farther description than is contained in the officer's receipt who may have sold the same : Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to make any change in the law referred to.

The committee for courts of justice have, according to order, enquired into the expediency of regulating constables' fees within this commonwealth in civil cases, so as not to allow a fee of more than twenty cents for executing a warrant for debt, and twelve cents for summoning a witness, and to limit their commissions upon all collections to five per cent. : Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to make any change in the fees of constables.

The committee for courts of justice have, according to order, had under consideration the petition of sundry citizens of Charlotte county, "praying for a change in the laws in relation to free persons of colour," and ask to be discharged from the further consideration thereof, and recommend its reference to the special committee on the governor's message in relation to the removal of free negroes.

The committee for courts of justice have, according to order, enquired into the expediency of passing an act explanatory of the 14th section of the act passed March 14th, 1848, in reference to the limitation of prosecutions in certain cases : Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to pass such an act, as the period of limitation to prosecutions for pecuniary forfeitures, penalties, &c., is sufficiently defined in the act referred to.

On motion of Mr. FERGUSON, the house adjourned until to-morrow 12 o'clock.

TUESDAY, DECEMBER 19, 1848.

Mr. PRICE, from the committee for courts of justice, presented a report upon the petition of Harriet B. Farley and others; and the following bill :

No. 47. A bill divorcing Cynthia A. Calloway from her husband James G. Calloway.

Mr. POWELL, from the committee of claims, presented reports upon the petition of Jacob Trumbo and others, in behalf of Reuben Dove, and upon the resolution for allowing to Archer D. Hale compensation for services as a fifer; and the following bill :

No. 48. A bill releasing to Peter M. Daniel, sheriff of Louisa, the amount of certain damages recovered against him in the general court.

Mr. THOMSON of Jefferson, according to order, presented the following bill :

No. 49. A bill directing the governor to present a sword to Francis Otway Byrd.

On motion of Mr. SEGAR,

Resolved, That the committee on finance enquire into the expediency of placing the first clerk in the treasurer's office on the same footing, with respect to salary, as the first clerks of the first and second auditor's offices.

A motion was made by Mr. GRASTY that the house adopt the following resolution :

Resolved, That the speaker of this house invite the ministers of the several religious denominations in the city, to open its sessions each day with prayer, and that the said ministers be respectfully requested to make such arrangements among themselves as will enable them to do it regularly.

A motion was made by Mr. FLOYD to amend the same by substituting therefor the following :

Resolved, That the committee of propositions and grievances be instructed to enquire into the expediency of appointing a chaplain to this house, and to ascertain what ought to be the measure of compensation for his services.

A motion was made by Mr. CLAIBORNE, that the resolution and proposed amendment be laid upon the table, and it was determined in the negative. Ayes 42, noes 77.

On motion of Mr. GRASTY, the vote thereupon was recorded as follows :

AYES—Messrs. Finney, Hart, Powell, Byrd, Thompson of Botetourt, De Camps, Maclin of Brunswick, Moncure of Caroline, Lacy, Irving of Cumberland, Vaughan, Segar, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Claiborne, Edwards, Sydnor, Baily, Carroll, Price, Stovall, Allen, Lancaster, Webb, Lane of Lee, Ferguson, Shepard, Tanzey, Buswell, Turner, Hiner, Townes, Cackley, Harrison of Prince William, Martz, Harper, Aston, Fugate and Collins—42.

NOES—Messrs. Hopkins, (speaker,) Watson, Smith, Layne of Alleghany, Boisseau, Cheatham, Sheffey, M'Cue, Burwell, Mitchell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Kyle, Moore, Wills, Jones, Barbour, Clarke, Stillman, Wood, Clopton, Guerrant, Maclin of Greenville, Major, Hiatt, Darracott, Welton, Basset, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Tomlin, White, Beard, Harris, Newman, Arnett, M'Donald, Clendenin, Coleman, Whittle, Beirne of Monroe, Gustin, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Booth, Pitts, Pannill, Syme, Grasty, Fairfax, Herbert, Wootton, Mayo, Cook, Dorman, Paxton, Pitman, Sibert, Thompson of Smyth, Griffin, Conway, Hargrave, Nicholson, Burdett, George, Boyers, Massey, Floyd, Harvey and Boyd—77.

The question recurred upon the adoption of the said amendment.

On motion of Mr. DARRACOTT, the house adjourned until to-morrow 12 o'clock.

WEDNESDAY, DECEMBER 20, 1848. .

Mr. JONES, from the committee of propositions and grievances, presented the following bills:

No. 50. A bill to authorize a separate election at Jacobs' schoolhouse in the county of Shenandoah.

No. 51. A bill to authorize a separate election at the house of Mrs. Dicy Barrett in the county of Cabell; and

No. 52. A bill to incorporate the Fredericksburg steamboat company.

Mr. POWELL, from the committee of claims, presented the following bill:

No. 53. A bill releasing to Reuben Davis, sheriff of the county of Hampshire, the amount of certain damages recovered against him in the general court.

Mr. FLOYD, from the committee of roads and internal navigation, presented the following bills:

No. 54. A bill declaring Mud river and the Beach fork of Twelve pole river public highways, and for other purposes; and

No. 55. A bill to amend the several acts concerning the Martinsburg and Winchester turnpike company.

Mr. DORMAN, from the committee on the militia laws, presented a report upon the resolution for paying militia officers during regular trainings; and the following bills:

No. 56. A bill making an appropriation to the Virginia military institute for the support and education of additional state cadets; and

No. 57. A bill concerning volunteer companies.

Mr. STOVALL, from the committee of finance, presented reports upon the resolutions for changing the terms of the office of the commissioners of the revenue; and for graduating or abolishing the tax on law process.

Mr. CONWAY, from the committee on banks, presented a report upon the petition of citizens of the town of Petersburg, for the repeal of the law prohibiting the circulation of small notes; and the following bill:

No. 58. A bill authorizing the banks to issue small notes.

On motion of Mr. STOVALL,

Resolved, That the committee of propositions and grievances enquire into the expediency of providing by law for the assessment of damages occasioned by the erection of milldams which were not foreseen and estimated by the jury first empaneled to enquire into such damages.

On motion of Mr. SYME,

Resolved, That the clerk of this house be authorized to contract for eight transparent shades for the windows of this hall.

On motion of Mr. MONCURE of Caroline,

Resolved, That so much of the governor's message as relates to the junction of the Richmond and Petersburg railroad with the Richmond, Fredericksburg and Potomac railroad company, and an amalgamation of their stock, be referred to the committee of roads and internal navigation.

On motion of Mr. DARRACOTT,

Resolved, That the Board of public works communicate to this house that part of the last annual report or proceedings of the Richmond, Fredericksburg and Potomac railroad company, omitted in the last report of said board, viz: the reference to the encouragement afforded by the president of the Petersburg railroad company to the diversion of travel from the roads north of Petersburg, and a review of his course connected with the subject.

On motion of Mr. MASSEY,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of increasing the state's subscription in the New Shenandoah company to three fifths.

On motion of Mr. PRICE,

Resolved, That the committee for courts of justice enquire into the expediency of passing a law better protecting religious assemblies.

On motion of Mr. IRVING of Cumberland,

Resolved, That the committee for courts of justice enquire into the expediency of amending the act of assembly passed on the day of , allowing the taking of depositions in cases where the witnesses reside more than one hundred miles from the place where they are to testify, so as to allow the taking of the same when the witness resides thirty miles from the place where his testimony is to be used.

On motion of Mr. FUGATE,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of reporting a bill making it the duty of the county court of Scott county to lay off the said county into districts, not less than six, and cause an election to be held for overseers of the poor resident therein in such district, and to be voted for by freeholders and housekeepers residing therein.

On motion of Mr. MAYO,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of so amending the charter of the City of Richmond as to authorize the city council of said city to prohibit the erection of wooden buildings therein.

On motion of Mr. GUSTIN,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of so amending the laws in relation to the county courts as to dispense with the holding of the monthly terms thereof.

Mr. MOORE presented a petition of citizens of the town of Guyandotte, asking for an act of incorporation.

Mr. MAYO, a petition of Myer Angel and others, asking to be incorporated into a society by the style of the German Hebrew Society Ahabath Israel, in Richmond.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

Mr. SCOTT presented a petition of Lucy W. Norman, praying to be divorced from her husband James B. Norman.

Mr. MAYO, a petition of Clara Robinson, a free woman of colour, asking permission to remain in the commonwealth.

Ordered, That the said petitions be referred to the committee for courts of justice.

Mr. **BOYERS** presented a petition of citizens of the county of Wetzel for the construction of a railroad from the mouth of Fishing creek on the Ohio river to the Monongahela river.

Mr. **WATSON**, a petition of Thomas H. Brown, asking for authority to relocate portions of the South mountain turnpike.

Ordered, That said petitions be referred to the committee of roads and internal navigation.

On motion of Mr. **FERGUSON**,

Ordered, That leave be given to withdraw the petition of Milton Ferguson, presented at the last session of the general assembly, praying to be allowed compensation as superintendent of schools for the county of Wayne; thereupon he again presented the said petition, and it was ordered to be referred to the committee of schools and colleges.

Mr. **SMITH** presented a petition of J. Morison Smith and others, praying for a diminution of the tax imposed on the agencies of foreign insurance companies, which was ordered to be referred to the committee of finance.

The resolution which was submitted on yesterday by Mr. **GRASTY**, together with the amendment thereto proposed by Mr. **FLOYD**, was taken up, and the resolution was read as follows:

Resolved, That the speaker of this house invite the ministers of the several religious denominations in this city to open its sessions each day with prayer, and that the said ministers be respectfully requested to make such arrangement among themselves as will enable them to do it regularly.

A motion was made by Mr. **FERGUSON** to amend the amendment submitted by Mr. **FLOYD**, by substituting therefor the following:

"That a special committee be appointed to enquire into the expediency of employing a chaplain for this house during the present session thereof, who shall receive a stated compensation for his services, to be paid out of the per diem allowance of the members."

Thereupon Mr. **FLOYD**, with the leave of the house, withdrew his said amendment.

A motion was made by Mr. **MOORE**, that the resolution and amendment be laid upon the table, and the same being under consideration, Mr. **HARVEY** demanded that the main question be now put, and it was sustained by the house; and the question being put upon laying the same upon the table, it was determined in the negative. Ayes 45, Noes 71.

On motion of Mr. **GRASTY**, the vote was recorded as follows:

AYES—Messrs. Hart, Powell, Byrd, Maclin of Brunswick, Moore, Moncure of Caroline, Lacy, Irving of Cumberland, Vaughan, Segar, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Claiborne, Edwards, Sydnor, Baily, Carroll, Price, Stovall, Allen, Lancaster, Boykin, Houser, Webb, Lane of Lee, Shepard, Tanzey, Barnett, Robinson, Butt, Cowper, Buswell, Turner, Hiner, Townes, Cackley, Rives, Harrison of Prince William, Martz, Harper, Aston and Collins—45.

NOES—Messrs. Hopkins, (speaker,) Watson, Smith, Layne of Alleghany, Boisseau, Sheffey, M'Cue, Mitchell, Burwell, Boak, Byrne of Braxton, Lewis

and Gilmer, Kyle, Wills, Irvine of Campbell, Cardwell, Jones, Barbour, Clarke, Stillman, Wood, Clopton, Guerrant, Maclin of Greenville, Major, Hiatt, Darracott, Welton, Bassel, Howard of James City, York and Williamsburg, Worthington, Wallace, Tomlin, Ferguson, White, Beard, Harris, Newman, Arnett, M'Donald, Clendenin, Coleman, Beirne of Monroe, Gustin, Kilby, Yerby, Booth, Pitts, Pannill, Syme, Grasty, Herbert, Wootton, Mayo, Cook, Dorman, Paxton, Fugate, Pitman, Sibert, Thompson of Smyth, Griffin, Conway, Hargrave, Nicholson, Burdett, George, Boyers, Massey, Floyd, Harvey and Boyd—71.

The question then recurred upon the amendment submitted by Mr. FERGUSON; thereupon Mr. BOYERS demanded that the main question be now put, and it was sustained by the house, and being put upon adopting the amendment, it was rejected. Ayes 21, noes 92.

On motion of Mr. BASSEL, the vote was recorded as follows:

AYES—Messrs. Powell, Byrd, Maclin of Brunswick, Lacy, Vaughan, M'Clung, Claiborne, Sydnor, Carroll, Stovall, Allen, Lancaster, Boykin, Houser, Ferguson, Tanzey, Butt, Hiner, Cackley, Harrison of Prince William, and Collins—21.

NOES—Messrs. Hopkins, (speaker,) Hart, Watson, Smith, Layne of Alleghany, Boisseau, Sheffey, M'Cue, Mitchell, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, Kyle, Moore, Wills, Irvine of Campbell, Moncure of Caroline, Cardwell, Jones, Barbour, Irving of Cumberland, Segar, Clarke, Thomas, Scott, Rector, Stillman, Edwards, Wood, Bailly, Clopton, Guerrant, Price, Maclin of Greenville, Major, Hiatt, Darracott, Welton, Bassel, Howard of James City, York and Williamsburg, Worthington, Wallace, Tomlin, Webb, Lane of Lee, White, Beard, Harris, Newman, Arnett, M'Donald, Shepard, Clendenin, Coleman, Beirne of Monroe, Barnett, Gustin, Kilby, Robinson, Cowper, Yerby, Booth, Pitts, Buswell, Turner, Syme, Townes, Grasty, Herbert, Wootton, Rives, Mayo, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Griffin, Conway, Hargrave, Nicholson, Burdett, George, Boyers, Massey, Harvey and Boyd—92.

A motion was then made by Mr. RIVES to amend the said resolution by striking out the word "*religious*," and inserting in lieu thereof the word "*Christian*," and it was determined in the negative.

The said resolution was then amended on motion of Mr. SMITH, by striking out all after the word "*prayer*," and as amended was agreed to as follows:

Resolved, That the speaker of the house invite the ministers of the several religious denominations in the city to open its sessions each day with prayer.

No. 33. An engrossed bill, divorcing Peter Moore from his wife Susan, was on motion of Mr. FERGUSON ordered to be laid upon the table.

The following engrossed bills were read a third time and passed, viz:

No. 28. A bill to authorize Josiah C. Wilson to construct a wharf on James river in the county of Charles City.

No. 29. A bill to authorize the mayor and common council of the town of Fredericksburg to subscribe for stock in the Fredericksburg and Blue Ridge railroad company.

No. 30. A bill to authorize the Maryland and Virginia steam packet company to hold a limited amount of real estate.

No. 31. A bill incorporating the Piney run iron factory.

No. 37. A bill releasing to Joel Ferguson a certain fine imposed by the circuit superior court of law and chancery for Wayne county.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

The following bills were read a second time, and ordered to be engrossed and read a third time, viz :

No. 38. A bill to authorize a separate election at the house of Apollo Stephens in the county of Mason.

No. 39. A bill to amend the act passed April 1, 1848, incorporating the Old courthouse and Abingdon turnpike company.

No. 40. A bill to authorize Edward T. Tayloe of King George county to charge wharfage at his wharf on the Rappahannock river.

No. 41. A bill directing a survey of the North and South forks of the Holston river.

No. 42. A bill to authorize James Paxton of the county of Boteourt, to erect a milldam across the Eastern branch of the Cowpasture river.

No. 44. A bill authorizing the clerk of the county court of Fairfax to convey to John Powell a certain lot of land; and

No. 45. A bill authorizing the sale of the real estate of Roger Atkinson of the county of Halifax.

The following bills were read the first, and ordered to be read a second time, viz :

No. 47. A bill divorcing Cynthia A. Calloway from her husband James G. Calloway.

No. 48. A bill releasing to Peter M. Daniel, sheriff of Louisa, the amount of certain damages recovered against him in the general court; and

No. 49. A bill directing the governor to present a sword to Francis Otway Byrd.

The following reports of the committee of claims were read and agreed to :

The committee on claims have, according to order, had under consideration the petition of Jacob Trumbo and others, praying for the payment of a sum of money to Reuben Dove for the tuition of poor children in the county of Rockingham in the year 1842, and have come to the following resolution thereupon :

Resolved as the opinion of this committee, That the prayer of said petition be rejected.

Resolved, That the committee on claims be instructed to enquire into the expediency of allowing to Archer D. Hale of the county of Russell \$4 for services rendered as a fifer at a company muster two days, in 72d regiment of Virginia militia, in the year 1839.

The committee on claims have had under consideration the foregoing, and have come to the following resolution thereupon :

Resolved as the opinion of this committee, That it is inexpedient to allow said claim.

The following report of the committee for courts of justice was read and agreed to :

The committee for courts of justice have, according to order, had under consideration the petition of Harriet B. Farley, Ann E. Farley and Mary L. Farley, praying for authority to sell the lands of Major D. Farley, to them referred, and have come to the following resolution thereupon :

Resolved as the opinion of this committee, That the prayer of the said petition be rejected, because the courts already have authority to decree the sale.

On motion of Mr. THOMAS, the house adjourned until to-morrow 12 o'clock.

THURSDAY, DECEMBER 21, 1848.

The proceedings of the house were opened with prayer by the Rev. JOHN JOHNS of the Episcopal church.

Mr. SCOTT, from the committee for courts of justice, presented the following bills:

No. 59. A bill regulating and restraining credits to students of the university and other institutions of the state; and

No. 60. A bill concerning the appellate jurisdiction of the circuit superior courts of law and chancery.

Mr. DORMAN, from the committee on the militia laws, presented the following bill:

No. 61. A bill making an appropriation for the erection of new barracks at the Virginia military institute.

On motion of Mr. MONCURE of Stafford,

Resolved, That the committee for courts of justice enquire into the expediency of allowing to each judge of the special court of appeals constituted according to the second proviso of the 7th section of the act, entitled "an act concerning the jurisdiction of the general court, and diminishing the number of the judges thereof," passed March 31, 1848, the same compensation for each day's attendance on such special court, that by the 10th section of the said act is allowed to each of the five judges of the circuit superior courts, for attendance on the special court mentioned in that section.

On motion of Mr. IRVING of Cumberland,

Resolved, That the committee for courts of justice enquire into the expediency of providing by law that the courts of chancery shall have the power of injunction the sale under execution of any property of any kind whatsoever, at the instance of the owner, even where a bond of indemnity may have been given by the plaintiff in the execution.

On motion of Mr. LACY,

Resolved, That the committee for courts of justice enquire into the expediency of repealing or amending the act passed on the 28th day of March in the year 1843, entitled "an act prescribing a limitation to claims and suits against the commonwealth, and for other purposes."

On motion of Mr. COOK,

Resolved, That the committee of agriculture and manufactures en-

quire into the expediency of having each county of the state supplied with a uniform standard of weights and measures.

A motion was made by Mr. MARTZ, that the house adopt the following resolution :

Resolved, That the committee on roads and internal navigation be instructed to enquire into the expediency of authorizing the Board of public works to suspend operations on the Southwestern road, either in whole or in part, until after the legislature shall have acted upon the memorials which have been presented to the house of delegates, praying for the passage of an act authorizing a subscription on the part of the state to the Lynchburg and Tennessee railroad.

On motion of Mr. PRICE,

Ordered, That the said resolution be laid upon the table.

On motion of Mr. DORMAN,

Resolved, That so much of the governor's message as relates to the appointment of an experienced engineer to assist the Board of public works, be referred to the committee of roads and internal navigation.

On motion of Mr. MASSEY,

Resolved, That the governor be requested to communicate to this house the petitions and all evidences upon which the pardon of John J. Johnston of Warren county was granted, together with a copy of the record of the council touching this subject.

Mr. STOVALL submitted the following resolution :

Resolved, That when this house adjourns on Saturday, it will adjourn until Tuesday.

On motion of Mr. PRICE, the same was amended by striking out the word "Tuesday," and inserting in lieu thereof the word "Wednesday," and as amended the resolution was agreed to.

On motion of Mr. M'CUE,

Resolved, That the committee for courts of justice be required to enquire into the expediency of so changing the law of 1840, allowing constables to take delivery bonds, &c. as to allow those officers the same fees as are allowed sheriffs for similar services.

On motion of Mr. GEORGE,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of having annexed to the Criminal Code, for the use of the justices of the commonwealth, a set of forms adapted to the said Code.

The SPEAKER laid before the house a communication from the second auditor transmitting, in compliance with a resolution of the house adopted on the 18th instant, that part of the last annual report or proceedings of the Petersburg railroad company, omitted in the last report of said board, which being read, on motion of Mr. SYME was ordered to be laid upon the table.

The SPEAKER laid before the house a further communication from the second auditor transmitting, in compliance with a resolution of the house adopted on the 20th instant, that part of the last annual report of the Richmond, Fredericksburg and Potomac railroad company, omitted in the last report of said board, which being read, on motion of Mr. SYME was ordered to be laid upon the table.

Mr. CARROLL presented a petition of citizens of the county of Grayson, for the appointment of commissioners to fix a site for the seat of justice for said county.

Mr. SHEPARD, a petition of citizens of the county of Middlesex, asking for the removal of the courthouse of said county.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

Mr. BEARD presented a petition of John Weadon and George K. Fox, commissioners of the revenue for the county of Loudoun, asking that the court of said county may be authorized to allow them compensation for listing dogs, which was ordered to be referred to the committee of finance.

The following engrossed bills were read a third time and passed, viz :

No. 38. A bill to authorize a separate election at the house of Apollo Stephens in the county of Mason.

No. 40. A bill to authorize Edward T. Tayloe of King George county, to charge wharfage at his wharf on the Rappahannock river; and

No. 42. A bill to authorize James Paxton of the county of Boteourt, to erect a milldam across the Eastern branch of the Cowpasture river.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 39. An engrossed bill to amend the act passed April 1st, 1848, incorporating the Old courthouse and Abingdon turnpike company, was read a third time.

Thereupon a clause by way of ryder thereto was submitted by Mr. STOVALL, which was twice read, and forthwith engrossed and read a third time, and the bill and ryder was passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

The following engrossed bills were, on motions severally made, ordered to be laid upon the table, viz :

No. 41. A bill directing a survey of the North and South forks of the Holston river.

No. 44. A bill authorizing the clerk of the county court of Fairfax to convey to John Powell a certain lot of land; and

No. 45. A bill authorizing the sale of the real estate of Roger Atkinson of the county of Halifax.

No. 26. A bill to amend the act passed April 4th, 1848, entitled "an act amending the act, entitled 'an act concerning oysters and terrapins, and the penalties in regard to them,' passed March 22d, 1847," and for other purposes, was on motion of Mr. SYME, ordered to be laid upon the table.

No. 32. A bill to prevent the removal of free negroes and mulattoes to the City of Norfolk was read a second time, and on motion of Mr. MAYO ordered to be committed to the committee for courts of justice, with instructions to enquire into the expediency of reporting bill No. 68 of the last session of the general assembly.

No. 34. A bill authorizing in certain cases the transfer or removal of money or other personal property from the state, was read a second time, and ordered, on motion of Mr. WORTHINGTON, to be referred to the committee on revision.

On motion of Mr. LANE of Lee, the house adjourned until to-morrow 12 o'clock.

FRIDAY, DECEMBER 22, 1848.

The proceedings of the house were opened with prayer by the Rev. LEROY M. LEE of the Methodist church.

On motion of Mr. BOYKIN,

Resolved, That it be referred to the committee of roads and internal navigation to enquire into the expediency of authorizing Samuel Wilson to construct a wharf on his land, lying on James river in the county of Isle of Wight.

Mr. FLOYD, from the committee on the subject of the Wilmot proviso, presented a report, which, on his motion, was ordered to be laid upon the table and be printed. [Doc. No. 32.]

On motion of Mr. ROBINSON,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the propriety of granting a charter to construct a railroad from Lynchburg to a point on the Seaboard and Roanoke railroad in the vicinity of the Nottoway river.

Mr. TOWNES presented a petition of citizens of the county of Pittsylvania, asking for the establishment of a separate election at the house now occupied by James H. Payne in said county.

Mr. NICHOLSON presented a petition of citizens of the county of Sussex, for a separate election to be held at the tavern house of John H. Fitzhugh in said county.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

Mr. TANZEY presented a petition of citizens of the county of Monongalia, asking an amendment to the law providing for a slackwater navigation on the Monongahela river, which was ordered to be referred to the committee of roads and internal navigation.

No. 35. A bill providing for taking the relinquishment of dower in the estate of lunatics, was, on motion of Mr. SMITH, ordered to be laid upon the table.

On motion of Mr. CONWAY,

Resolved, That the 14th rule of the house be suspended, so as to allow the speaker to call a member to the chair to preside, not exceeding one week from Monday next.

No. 41. An engrossed bill directing a survey of the North and South forks of the Holston river, was taken up on motion of Mr. FLOYD, read a third time and passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

The following bills were read a second time, and ordered to be engrossed and read a third time, viz :

No. 36. A bill to create a new judicial circuit, and for other purposes.

No. 43. A bill concerning the Virginia regiment of volunteers.

No. 46. A bill providing for the purchase of furniture for the Eastern and Western asylums, and for other purposes.

No. 47. A bill divorcing Cynthia A. Calloway from her husband James G. Calloway.

No. 48. A bill releasing to Peter M. Daniel, sheriff of Louisa, the amount of certain damages recovered against him in the general court ; and

No. 49. A bill directing the governor to present a sword to Francis Otway Byrd.

On motion of Mr. BOYERS,

Resolved, That the committee of propositions and grievances enquire into the expediency of granting to the counties of Tyler and Wetzel a special law for the opening and repairing the roads of said counties.

Mr. BYRNE of Lewis presented a petition of citizens of Lewis county, asking an appropriation of \$ 800 to construct a bridge across Polk creek on the Staunton and Parkersburg road, which was ordered to be referred to the committee of roads and internal navigation.

The following bills were read the first time and ordered to be read a second time, viz :

No. 50. A bill to authorize a separate election at Jacob's school-house in the county of Shenandoah.

No. 51. A bill to authorize a separate election at the house of Dicy Barrett in the county of Cabell.

No. 52. A bill to incorporate the Fredericksburg steamboat company.

No. 53. A bill releasing to Reuben Davis, sheriff of the county of Hampshire, the amount of certain damages recovered against him in the general court.

No. 54. A bill declaring Mud river and the Beach fork of Twelve pole river public highways, and for other purposes.

No. 55. A bill to amend the several acts concerning the Martinsburg and Winchester turnpike company.

No. 56. A bill making an appropriation to the Virginia military institute, for the support and education of additional state cadets.

No. 57. A bill concerning volunteer companies.

No. 58. A bill authorizing the banks to issue small notes.

No. 59. A bill regulating and restraining credits to students of the university and other institutions of the state.

No. 60. A bill concerning the appellate jurisdiction of the circuit superior courts of law and chancery ; and

No. 61. A bill making an appropriation for the erection of new barracks at the Virginia military institute.

Mr. LACY submitted an amendment intended to be offered as a substitute for the said last bill, which, on his motion, was ordered to be printed.

The following report of the committee on the militia laws was read and agreed to, viz :

The committee on the militia laws have, according to order, enquired into the expediency of authorizing pay to militia officers during regular trainings, and have come to the following resolution thereupon :

Resolved as the opinion of this committee, That it is inexpedient to authorize the said pay.

The following report of the committee of finance was read and agreed to, viz :

The committee of finance having had under consideration the "expediency of either graduating or abolishing the tax on law process," have come to the following resolution :

Resolved, That this committee deem it *inexpedient* to graduate or abolish the tax on law process.

A report of the committee on banks, upon the petition of citizens of the town of Petersburg, praying a repeal of the law prohibiting the circulation of the small notes of the banks of other states, was, on motion of Mr. JONES, ordered to be laid upon the table.

A report of the committee of finance upon the resolution proposing to change the term of office of commissioners of the revenue, was, on motion of Mr. FERGUSON, ordered to be laid upon the table.

On motion of Mr. BURDETT, the house adjourned until to-morrow 12 o'clock.

SATURDAY, DECEMBER 23, 1848.

The proceedings of the house were opened with prayer by the Rev. MOSES D. HOGG of the Presbyterian church.

The SPEAKER laid before the house a communication from the governor, transmitting a list of pardons granted by himself and the several lieutenant governors, from the 1st day of January 1846, to the 30th day of November 1848, which, on motion of Mr. Cook was ordered to be laid upon the table and be printed. [Doc. No. 33.]

The SPEAKER laid before the house a further communication from the governor, relative to a contract entered into by him for the sale of a part of the public grounds, subject to the approval of the general assembly, which on motion of Mr. Cook was also laid upon the table and ordered to be printed. [Doc. No. 34.]

On motion of Mr. Cook,

Resolved, That five hundred extra copies of the governor's message this day communicated on the subject of pardons, be printed for the use of the members of this house.

Mr. SCOTT, from the committee for courts of justice, presented the following bills, which, except the last, were subsequently read the first and ordered to be read a second time, viz :

No. 62. A bill releasing the commonwealth's right to a certain tract of land therein mentioned to Frederick Moore.

No. 63. A bill adding the county of Bedford to the eighth judicial circuit.

No. 64. A bill authorizing three justices to constitute a court.

No. 65. A bill concerning the special court of appeals; and

No. 66. A bill divorcing Lucy W. Norman from her husband James B. Norman.

On motion of Mr. PRICE, the said last bill was ordered to be laid upon the table.

Mr. COOK, from the committee of finance, presented the following bills, which were read the first, and ordered to be read a second time, viz:

No. 67. A bill increasing the salaries of the commissioners of the revenue for the county of Patrick; and

No. 68. A bill concerning the free school system in the county of Henry.

On motion of Mr. BEIRNE of Monroe,

Resolved, That it be referred to the committee of roads and internal navigation to enquire into the expediency of increasing the state subscription to the capital stock of the Giles, Fayette and Kanawha turn-pike to three fifths.

On motion of Mr. LANE of Lee,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of providing by law for an examination of Powell's river, from Shover's ford in Lee county to the Tennessee line, and of Clinch river from Osborne's ford in Scott county to the said state line, with a view of ascertaining the practicability and cost of rendering said rivers fit for downward navigation.

On motion of Mr. MAYO,

Resolved, That the committee for courts of justice enquire into the expediency of increasing the compensation of the clerk of the superior court of chancery for the Richmond circuit, for official services rendered by him.

On motion of Mr. GEORGE,

Resolved, That the committee for courts of justice enquire into the expediency of defining by law specifically the punishment of wilful trespasses.

Mr. PRICE presented a petition of Cyrus A. Larue and other citizens of the county of Greenbrier, asking that permission may be granted him to sell goods as a pedlar without paying for a license, which was ordered to be referred to the committee of finance.

Mr. PRICE also presented a petition of citizens of Kanawha county, for the construction of a railroad from Covington to the Kanawha river, and for aid from the state to tunnel the Blue Ridge of mountains.

Mr. MOORE presented a petition of Tyre Black and others, citizens of the county of Wayne, for the establishment of a ferry across Big Sandy river.

Mr. MAYO, a petition of the president of the James river and Kanawha company for the passage of an act to protect property on the line of the canal from the depredation of boatmen.

Mr. FERGUSON, a petition of citizens of the county of Boone, for an appropriation by the state to aid in improving the navigation of Big Cole river.

Ordered, That said petitions be referred to the committee of roads and internal navigation.

Mr. BURDETT presented a petition of citizens of the county of Taylor, asking an appropriation as an endowment to Rector college, which was ordered to be referred to the committee of schools and colleges.

On motion of **Mr. BOYERS**, leave was given to withdraw the petition of Henry Biddle, presented last year, asking to be divorced from his wife; thereupon **Mr. BOYERS** again presented the same, and it was ordered to be referred to the committee for courts of justice.

Mr. DE CAMPS presented a memorial of citizens of the county of Hancock, remonstrating against the removal of the seat of justice for said county, which was ordered to be referred to the committee of propositions and grievances.

The following bills were read a second time, and ordered to be engrossed and read a third time, viz:

No. 50. A bill to authorize a separate election at Jacob's school-house in the county of Shenandoah.

No. 51. A bill to authorize a separate election at the house of Dicy Barrett in the county of Cabell.

No. 52. A bill to incorporate the Fredericksburg steamboat company.

No. 53. A bill releasing to Reuben Davis, sheriff of the county of Hampshire, the amount of certain damages recovered against him in the general court.

No. 54. A bill declaring Mud river and the Beach fork of Twelve pole river public highways, and for other purposes; and

No. 55. A bill to amend the several acts concerning the Martinsburg and Winchester turnpike company.

No. 36. An engrossed bill to create a new judicial circuit, and for other purposes, was on motion of **Mr. PRICE** ordered to be laid upon the table.

No. 43. An engrossed bill concerning the Virginia regiment of volunteers, was on motion of **Mr. HIETT** ordered to be laid upon the table.

On motion of **Mr. TURNER**, the house adjourned until Wednesday next at 12 o'clock.

WEDNESDAY, DECEMBER 27, 1848.

The proceedings were opened with prayer by the **Rev. EDWARD KINGSFORD** of the Baptist church.

Mr. SCOTT presented a petition of William Watts and Edward W. Saunders, committees of the person and property of Martha Watts, praying for authority to sell certain property therein mentioned, which was ordered to be referred to the committee for courts of justice.

No. 46. An engrossed bill providing for the purchase of furniture for the Eastern and Western asylums, and for other purposes, was, on motion of Mr. MARTZ, ordered to be laid upon the table.

The following bills were read a second time, and ordered to be engrossed and read a third time, viz :

No. 62. A bill releasing the commonwealth's right to a certain tract of land therein mentioned to Frederick Moore.

No. 67. A bill increasing the salaries of the commissioners of the revenue for the county of Patrick ; and

No. 68. A bill concerning the free school system in the county of Henry.

On motion of Mr. HIETZ, the house adjourned until to-morrow 12 o'clock.

THURSDAY, DECEMBER 28, 1848.

The proceedings were again opened with prayer by the Reverend EDWARD KINGSFORD of the Baptist church.

The SPEAKER laid before the house a communication from the governor, made in compliance with a resolution of the house, transmitting copies of the papers, together with the advice of counsel in the case of John J. Johnston, which being read, was, on motion of Mr. STOVALL, ordered to be laid upon the table.

The following bills were read a second time, and ordered to be engrossed and read a third time, viz :

No. 56. A bill making an appropriation to the Virginia military institute, for the support and education of additional state cadets.

No. 57. A bill concerning volunteer companies.

No. 58. A bill authorizing the banks to issue small notes.

No. 63. A bill adding the county of Bedford to the eighth judicial circuit ; and

No. 65. A bill concerning special courts of appeals.

The following bills were read a second time, and on motions severally made, ordered to be referred to the committee on revision, viz :

No. 59. A bill regulating and restraining credits to students of the university and other institutions of the state.

No. 60. A bill concerning the appellate jurisdiction of the circuit superior courts of law and chancery ; and

No. 64. A bill authorizing three justices to constitute a court.

No. 61. A bill making an appropriation for the erection of new barracks at the Virginia military institute, was, on motion of Mr. DORMAN, ordered to be laid upon the table.

On motion of Mr. PANNILL, the house adjourned until to-morrow 12 o'clock.

FRIDAY, DECEMBER 29, 1848.

The Reverend THOMAS V. MOORE of the Presbyterian church, commenced the proceedings with prayer.

Mr. Cook presented the correspondence between the joint committee and the governor elect, which was read as follows :

RICHMOND, VA., Dec'r 15, 1848.

JOHN B. FLOYD, Esq.

SIR,—Having been appointed a joint committee of the senate and house of delegates to inform you of your election as governor of this commonwealth for three years from the 1st day of January next, it gives us pleasure to be the medium of communicating this intelligence to you.

We solicit your reply as early as convenient, and

Have the honour to be,

Very respectfully,

HENRY S. KANE, GEORGE E. DENEALE, JOHN C. CRUMP,	}	<i>Committee of the Senate.</i>
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WM. M. COOK, JAMES F. STROTHER, S. D. WHITTLE,	}	<i>Committee of the H. Delegates.</i>
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RICHMOND, VIRGINIA, 15th December 1848.

GENTLEMEN,—Your letter of this date, informing me that the legislature had elected me the governor of this commonwealth for three years from the first of January next, is now before me. In reply to which allow me to say, I accept the appointment, and feel most sensibly the high and distinguished honour conferred upon me by my native state. At the same time, I cannot help regarding it rather as an honour due to the west and conferred upon my constituency, than one to which I myself am entitled from any merit of my own.

The executive authority of Virginia is extremely limited under the constitution and laws, and therefore there is but little scope given to the chief magistrate for exercising a beneficial influence upon the destiny and interest of the state. So far, however, as I shall be invested with power, I will exercise it with a careful regard to the welfare of the commonwealth ; and of this the legislature and the community at large may be assured, that the honour and dignity of Virginia, so far as they are committed to my keeping, shall in no wise be tarnished or brought down.

Be pleased, gentlemen, to convey to the general assembly my profound acknowledgments for the distinguished honour they have con-

ferred upon me; and accept, for yourselves, my grateful thanks for the obliging manner in which you have conveyed to me the intelligence.

I have the honour to be, very respectfully,

Your obedient servant,

JOHN B. FLOYD.

To Messrs. HENRY S. KANE, GEORGE E. DENEALE, and JOHN C. CRUMP,	} Committee of the Senate.
WILLIAM M. COOK, JAMES F. STROTHER, S. D. WHITTLE,	
	} Committee of the House of Delegates.

On motion of Mr. STOVALL, the same was ordered to be laid upon the table.

The SPEAKER laid before the house a communication from the superintendent of the penitentiary, in reference to the condition of that institution, which being read, on motion of Mr. STOVALL was ordered to be laid upon the table, and be printed. [Doc. No. 35.]

On motion of Mr. GUSTIN,

Resolved, That so much of the governor's message as recommends the sale of certain real estate belonging to the commonwealth, be referred to the committee of finance.

On motion of Mr. WHITTLE,

Resolved, That the recommendations of the second auditor in relation to "Mr. Bernard's book," and "the establishment of two general school systems in the state," be referred to the committee on schools and colleges.

On motion of Mr. WHITTLE,

Resolved, That so much of the second auditor's report as relates to the following subjects, viz: "the registration of children to be educated,"—"the duties and compensation of county superintendents," and "Henry and Emory college," be referred to the committee on schools and colleges.

Mr. HARRISON of Loudoun presented a petition of Humphrey B. Powell and others, citizens of Middleburg in the county of Loudoun, for an act incorporating a company to purchase and hold a lot of land near said town for a public cemetery.

Mr. DE CAMPS, a petition of citizens of the town of New Cumberland, and others, of the county of Hancock, for the passage of an act authorizing a new election to be held by the voters of the county to decide upon the location of the seat of justice for the county.

Also a memorial of other citizens of said county, and of the town of New Manchester, remonstrating against locating the seat at the town of New Cumberland.

Mr. FERGUSON, a petition of citizens of the county of Fayette, for the formation of a new county, to be called Raleigh county, out of a portion of said county, and remonstrating against the formation of a new county between New and Meadow rivers.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

Mr. DE CAMPS presented a petition of A. G. De Sellem of the state of Ohio, committee of John H. Sellem, who is an idiot, for authority to sell the real estate of said idiot in the county of Hancock, which was ordered to be referred to the committee for courts of justice.

Mr. GEORGE presented a petition of citizens of the county of Tazewell, for an appropriation to complete the road from the Richlands in said county to the Kentucky line, which was ordered to be referred to the committee of roads and internal navigation.

The following engrossed bills were, on motions severally made, ordered to be laid upon the table, viz :

No. 47. A bill divorcing Cynthia A. Calloway from her husband James G. Calloway.

No. 56. A bill making an appropriation to the Virginia military institute for the support and education of additional cadets.

No. 58. A bill authorizing the banks to issue small notes ; and

No. 63. A bill adding the county of Bedford to the eighth judicial circuit.

The following engrossed bills were read a third time and passed, to wit :

No. 48. A bill releasing to Peter M. Daniel, sheriff of Louisa, the amount of certain damages recovered against him in the general court.

No. 49. A bill directing the governor to present a sword to Francis Otway Byrd.

No. 50. A bill to authorize a separate election at Jacob's schoolhouse in the county of Shenandoah.

No. 51. A bill to authorize a separate election at the house of Dicy Barrett in the county of Cabell.

No. 52. A bill to incorporate the Fredericksburg steamboat company.

No. 53. A bill releasing to Reuben Davis, sheriff of the county of Hampshire, the amount of certain damages recovered against him in the general court.

No. 54. A bill declaring Mud river and the Beach fork of Twelve pole river public highways, and for other purposes.

No. 55. A bill to amend the several acts concerning the Martinsburg and Winchester turnpike company.

No. 57. A bill concerning volunteer companies.

No. 62. A bill releasing the commonwealth's right to a certain tract of land therein mentioned to Frederick Moore.

No. 67. A bill increasing the salaries of the commissioners of the revenue for the county of Patrick.

No. 68. A bill concerning the free school system in the county of Henry ; and

No. 65. A bill concerning special courts of appeals.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

On motion of Mr. TURNER, the house adjourned until to-morrow 12 o'clock.

SATURDAY, DECEMBER 30, 1848.

The Reverend ADAM EMPIE of the Episcopal church officiated in prayer.

The SPEAKER submitted a communication from the governor, which was read as follows :

EXECUTIVE DEPARTMENT, Dec. 28, 1848.

To the General Assembly.

In my annual message to the general assembly at the December session 1846, I stated that a citation had been served upon me as the representative of the commonwealth, requiring her to appear before the supreme court of the United States at the instance of one James Phalen, to shew cause why a judgment pronounced against him by the general court should not be corrected.

This case is now pending in the supreme court, and as I am informed, will shortly be determined. The object of this communication is to call the attention of the general assembly to the fact, that they may decide whether it is proper that counsel be employed to represent the state.

Very respectfully, your ob't serv't,

WM. SMITH.

On motion of Mr. WHITTLE, the communication, together with the extracts from the governor's message in 1846, referred to, were ordered to be referred to the committee for courts of justice.

On motion of Mr. SMITH,

Resolved, That the committee of schools and colleges enquire into the expediency of authorizing by law the board of school commissioners of the county of Alexandria to apply a portion of the annual school quota of said county, to the Lancasterian and Female free school of the town of Alexandria.

On motion of Mr. BASSEL,

Resolved, That the committee for courts of justice enquire into the expediency of changing the time of holding the county court of Harrison.

On motion of Mr. FERGUSON,

Resolved, That it be referred to the committee for courts of justice to enquire into the expediency of repealing the 17th and 18th sections of the act, entitled "an act to amend an act, entitled 'an act to amend and explain the laws concerning western land titles, and for other purposes,'" passed March 15th, 1838.

On motion of Mr. MONCURE of Stafford,

Resolved, That the report of the revisors to the last house of delegates, being document No. 48, recommending a bill to establish a special court of appeals and diminish the number of judges of the general court, be printed for the use of the members of this house. [Doc. No. 36.]

Mr. WATSON presented a petition of the president and directors of the Rivanna navigation company, praying to be released from any obligation to enlarge the plan of their improvement, which was ordered to be referred to the committee of roads and internal navigation.

On motion of Mr. SMITH,

Ordered, That leave be given to withdraw the petition of the president and directors of the Alexandria canal company, presented at the last session of the general assembly, praying for authority to purchase or condemn as much land and water front, at and near the terminus of the canal, as may be necessary for the accommodation of the coal trade, and also for making a branch of the canal into the town,

Mr. SMITH again presented the said petition, and it was ordered to be referred to the committee of roads and internal navigation.

Mr. SMITH also presented a petition of William L. Edwards and others, praying for a change of the time of holding the county court of Alexandria county.

And a petition of Stephen Shinn and others, relative to the tobacco trade of the town of Alexandria.

Ordered, That the said petitions be referred to the committee for courts of justice.

Mr. BASSEL presented a petition of citizens of the counties of Harrison and Marion, for the formation of a new county out of parts of said counties, which was ordered to be referred to the committee of propositions and grievances.

Mr. MAYO presented a petition of the medical department of Hampden Sidney college, praying a remission of the interest upon the loan to said college from the Literary fund, which was ordered to be referred to the committee of schools and colleges.

On motion of Mr. MAYO, the said petition was ordered to be printed. [Doc. No. 37.]

On motion of Mr. MONCURE of Stafford, the house adjourned until Monday 12 o'clock.

MONDAY, JANUARY 1, 1849.

The Reverend ALMOND GAGE of the Universalist church officiated in prayer.

Mr. SCOTT, from the committee for courts of justice, presented the following bill:

No. 69. A bill changing the time of holding the county court of Alexandria county; which was subsequently read the first, and ordered to be read a second time.

Mr. SCOTT submitted an amendment intended to be proposed by him for the resolutions reported by the select committee on the Wilmot proviso and other kindred measures, which, on his motion, was laid upon the table, and ordered to be printed. [Doc. No. 38.]

On motion of Mr. SYME, the communication of the second auditor, transmitting by the direction of the Board of public works that part of

the last annual report of the Petersburg railroad company, omitted in the last report of said board, relative to the charges preferred against the president of the company, of collusion with the James river and bay steamboats to divert travel from the railroads north of Petersburg, was taken up and ordered to be printed. [Doc. No. 10.]

On motion of Mr. SYME, the communication of the second auditor, transmitting that part of the last annual report of the Richmond, Fredericksburg and Potomac railroad company in reference to the diversion of travel from the roads north of Petersburg, was taken up and ordered to be printed. [Doc. No. 10.]

Mr. MAJOR, from the committee of propositions and grievances, presented reports upon petitions of citizens of the county of Fayette, for a new county out of part thereof, with the seat of justice at the town of Raleigh; of citizens of the same county, for a new county out of said county, with the seat of justice at or near the 46th mile post on the James river and Kanawha turnpike; of the Adelphi Lodge No. 47 of the Independent Order of Odd Fellows in Clarksburg; also upon resolutions for amending the act concerning conveyances or devises of places of meeting of benevolent associations; of providing for the assessment of damages occasioned by the erection of milldams, which were not foreseen and estimated; for the removal of obstructions to the passage of fish in the South branch of the Potomac; and for establishing a separate election at the house of John Roop in the county of Pulaski; and the following bills:

No. 70. A bill to extend throughout the commonwealth the provisions of the act, entitled "an act to prevent the killing of deer within certain periods annually."

No. 71. A bill to amend the act, entitled "an act to amend the act establishing the town of Grandville in the county of Monongalia."

No. 72. A bill providing for taking the sense of the citizens of Wirt county upon the selection of a site for the seat of justice thereof.

No. 73. A bill authorizing a separate election at the house of Lewis Hatcher in the county of Mercer.

No. 74. A bill to amend the act, entitled "an act authorizing two separate elections in the county of Fayette;" and

No. 75. A bill authorizing a separate election at Boston postoffice in the county of Culpeper.

The said bills were read the first, and ordered to be read a second time.

Mr. SCOTT, from the committee for courts of justice, presented the following bill:

No. 76. A bill for the relief of Martha Watts; which was read the first time, and the rule being suspended on motion of Mr. TOWNES, the second time, and ordered to be engrossed and read a third time.

The following reports of the committee of propositions and grievances were read and severally agreed to:

The committee of propositions and grievances have, according to order, had under consideration the petition of a committee appointed by, and in behalf of, "The Adelphi Lodge No. 47 of the Independent Order of Odd Fellows," in the town of Clarksburg, to them referred,

praying that an act may pass, conferring upon them the same powers and privileges granted to a similar institution by the act incorporating the Wildey Lodge No. 11, passed March 20th, 1847: Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners be rejected; the act of 31st March 1848, entitled "an act concerning conveyances or devises of places of meeting of certain benevolent associations," having already sufficiently, or as far as was intended, provided for such cases.

The committee of propositions and grievances have, according to order, enquired into the expediency "of passing a law to remove all obstructions to the free passage of fish in the South branch of the Potomac and its tributaries, from its junction with the North branch to their sources:" Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to pass a law for such purpose, there being no notice, or evidence of notice given, as required by the 23d rule of the house of delegates.

The committee of propositions and grievances have, according to order, had under consideration a resolution of the house of delegates, instructing them to enquire into the expediency "of providing by law for the assessment of damages occasioned by the erection of mill-dams, which were not foreseen and estimated by the jury first empaneled to enquire into such damages:" Whereupon,

Resolved as the opinion of this committee, That it is expedient so to provide by law; but ask to be discharged from the further consideration of the matter, with the view of recommending the reference of the same to the committee on general revisal, in order that a proper provision thereon may be incorporated in the general law.

The committee of propositions and grievances have, according to order, had under consideration a resolution of the house of delegates, instructing them to enquire into the expediency of establishing a precinct election at the house of John Roop, in the county of Pulaski: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to establish such precinct election, there being neither a petition from the people, nor notice of the intended application for a separate election, as required by the act of 29th January 1834, entitled "an act regulating applications for separate elections."

The committee of propositions and grievances have, according to order, enquired into the expediency "of amending the 'act concerning conveyances or devises of places of meeting of certain benevolent associations,' passed March 31st, 1848, so as to give all such associations the right to hold real estate for cemetery purposes:" Whereupon,

Resolved as the opinion of this committee, That it is expedient so to amend the said act; but ask a discharge from the further consideration of the subject, with a view of its being referred to the committee on general revisal, in order that a proper and permanent provision thereupon may be incorporated in the general law.

Two reports of the same committee upon petitions of citizens of the county of Fayette for new counties out of parts thereof, were, on motion of Mr. LAYNE of Alleghany, ordered to be laid upon the table.

On motion of Mr. LANE of Lee,

Resolved, That the committee on roads and internal navigation enquire into the expediency of reporting a bill appropriating \$1500 upon the part of the state, and authorizing the county court of Lee county to levy such additional sum as may be necessary to complete the bridge across Powel's river in said county, on the Cumberland gap and Price's turnpike road.

On motion of Mr. MOORE,

Resolved, That the committee of claims enquire into the expediency of refunding to J. B. & W. Hite, the sum of \$ 16 66, paid by them as a tax on a merchant's license, issued to them by the commissioner of the revenue of Kanawha county, on the 6th of July 1847.

On motion of Mr. FERGUSON,

Resolved, That the committee for courts of justice enquire into the expediency of so amending the criminal laws of this commonwealth, as to make persons jointly indicted, but electing to be tried separately, competent witnesses for or against each other.

On motion of Mr. BEIRNE of Monroe,

Resolved, That it be referred to the committee on roads and internal navigation, to enquire into the expediency of so amending the law relating to the establishment of ferries, as to allow ferries to be established within a quarter of a mile, or 800 yards, by the meanderings of the streams, of those now established by law.

On motion of Mr. LANE of Lee,

Resolved, That the committee for courts of justice enquire into the expediency of repealing an act relating to the commissioners of the revenue, passed March 16th, 1847, and so much of the act to which it is an amendment, as relates to the clerks of the county courts of the commonwealth.

On motion of Mr. FERGUSON,

Resolved, That the committee on roads and internal navigation enquire into the expediency of incorporating a joint stock company, to construct a turnpike from some point on Sandy river in the county of Logan, not lower than the mouth of Marrowbone creek, nor higher than the mouth of Pond creek, by way of Logan courthouse, to intersect the Giles, Fayette and Kanawha turnpike, at or near the town of Beckley in the county of Fayette.

On motion of Mr. FUGATE,

Resolved, That the committee on finance be instructed to enquire into the expediency of reporting a tax bill, as near as may be, on the *ad valorem* principle.

Mr. PRICE presented a petition of citizens of the county of Greenbrier, for the repeal of all laws authorizing the arrest of the body of a debtor without the intervention of a magistrate.

Also, a petition of other citizens of the same county for the repeal of all laws authorizing imprisonment for debt, and to authorize the sale of real property for debt.

Ordered, That the said petitions be referred to the committee for courts of justice.

Mr. COWPER presented a petition of citizens of the county and city

of Norfolk, asking amendments to the laws relative to the taking and transportation of oysters in the said county, which was ordered to be referred to the committee on the subject of the oyster laws.

Mr. JONES presented a petition of the stockholders of the Chesterfield railroad company, praying to be authorized to change the line of their railroad, and for other purposes, which was ordered to be referred to the committee of roads and internal navigation.

Mr. BEIRNE of Monroe presented a memorial of citizens of the county of Monroe, remonstrating against the formation of a new county out of parts of the counties of Giles, Botetourt and Monroe.

Mr. VAUGHAN presented a petition of citizens of the county of Dinwiddie, for the establishment of a separate election at the house of Benjamin W. Shelley in said county.

Ordered, That said petitions be referred to the committee of propositions and grievances.

No. 56. An engrossed bill making an appropriation to the Virginia military institute for the support and education of additional cadets, was taken up on motion of Mr. STOVALL, read a third time, and passed.

Ordered, That the clerk communicate the same to the senate, and request their concurrence.

On motion of Mr. BOYERS, the house adjourned until to-morrow 12 o'clock.

TUESDAY, JANUARY 2, 1849.

Prayer by the Rev. H. B. COWLES of the Methodist church.

Mr. SCOTT, from the committee for courts of justice, presented the following bill:

No. 77. A bill concerning the jurisdiction of the general court.

Mr. WHITTLE, from the committee of schools and colleges, presented a report upon the resolution for refunding undrawn school quotas to the county of Patrick; and the following bill:

No. 78. A bill in relation to the school quota of the county of Alexandria.

Mr. POWELL, from the committee of claims, presented the following bills:

No. 79. A bill concerning Samuel S. Simmons, adjutant of the 98th regiment; and

No. 80. A bill concerning Stephen Kent, administrator of Nicholas Cole, deceased.

All which bills were subsequently read the first, and ordered to be read a second time.

On motion of Mr. SYME,

Resolved, That the committee on roads and internal navigation enquire into the expediency of incorporating the Baltimore, Norfolk and Petersburg steamboat company.

On motion of Mr. SYME,

Resolved, That the committee of roads and internal navigation en-

quire into the expediency of placing the Appomattox railroad company in all respects under the general railroad law.

On motion of Mr. MAYO,

Resolved, That a committee be appointed to examine the governor's house, and ascertain what repairs and furniture are necessary, with leave to report by bill.

And a committee was appointed of Messrs. Mayo, Boyd, Townes, George, Thompson of Botetourt, Ferguson and Rives.

On motion of Mr. COWPER,

Resolved, That the committee of claims enquire into the propriety of refunding to Edward T. Blamire the sum of fifty-three dollars paid by him to the clerk of Norfolk county court, as a tax for affixing the seal of his office to the transfer of bounty lands by the late volunteers in the service of the United States.

On motion of Mr. TURNER,

Resolved, That the committee of schools and colleges enquire into the expediency of so amending the primary school system as to provide that the school fund shall be apportioned amongst the several counties and corporate towns and cities of the commonwealth, according to the proportion which the number of indigent children in each shall bear to the whole number in the state.

On motion of Mr. LANE of Lee,

Resolved, That it be referred to a select committee to enquire into the expediency of reporting a bill providing for taking the sense of the people of the commonwealth upon the call of a convention to amend the constitution of the state.

The SPEAKER deferred announcing said committee until to-morrow.

On motion of Mr. JONES,

Resolved, That the committee on agriculture and manufactures be instructed to enquire into the expediency of reviving the charter of the Falls and Winterpoc manufacturing companies.

On motion of Mr. JONES,

Resolved, That the committee on agriculture and manufactures enquire into the expediency of incorporating the Spring Hill manufacturing company, in the county of Chesterfield.

On motion of Mr. M'CUE,

Resolved, That the committee for courts of justice enquire into the expediency of so changing the laws regulating the superior, county and corporation courts of this commonwealth, as to empower the clerks of said courts, either on their own motion, or at the instance of the attorney for the commonwealth, or any justice of the peace, to issue subpoenas for witnesses to appear before grand juries, before the commencement of the term of the court.

On motion of Mr. WHITE,

Resolved, That the committee of propositions and grievances be instructed to enquire into the expediency of incorporating the Mutual fire insurance company of Loudoun county.

On motion of Mr. LANE of Lee,

Resolved, That the Board of public works be requested to furnish each member of the present general assembly with an additional copy

of the map and outline of the improvements of the state prepared by C. Crozet, Esq., under a resolution of the last session, and to forward to the clerk of each county and corporation represented in this house, one copy of the map and outline, to be by them preserved and exhibited for the inspection of the people, and that the said board retain in their office the residue of the 1000 copies ordered by the resolution aforesaid, subject to the order of the next general assembly.

On motion of Mr. M'CUE,

Resolved, That it be referred to the committee for courts of justice to enquire into the expediency of changing the time of meeting of the circuit superior courts of Rockbridge, Nelson and Albemarle, so that instead of meeting on the days now required by law, that of Rockbridge shall meet on the 8th of April and September, that of Nelson on the 25th of same months, and that of Albemarle on the 8th or 10th of May and October.

No. 35. A bill providing for taking the relinquishment of dower in the estate of lunatics, was taken up on motion of Mr. WATSON, read a second time, and ordered to be committed to the committee which brought it in.

The report of the committee of schools and colleges upon the resolution for refunding undrawn school quotas to the county of Patrick, was on motion of Mr. TURNER, ordered to be laid upon the table.

No. 76. An engrossed bill for the relief of Martha Watts, was read a third time and passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

The following bills were read a second time, and ordered to be engrossed and read a third time, viz :

No. 69. A bill changing the time of holding the county court of Alexandria county.

No. 71. A bill to amend the act, entitled "an act to amend the act establishing the town of Grandville, in the county of Monongalia."

No. 72. A bill providing for taking the sense of the citizens of Wirt county, upon the selection of a site for the seat of justice thereof.

No. 73. A bill authorizing a separate election at the house of Lewis Hatcher, in the county of Mercer; and

No. 74. A bill to amend the act, entitled "an act authorizing two separate elections in the county of Fayette."

No. 75. A bill authorizing a separate election at Boston postoffice, in the county of Culpeper, was read a second time, and on motion of Mr. BARBOUR, ordered to be committed.

Mr. BOYD presented a petition of citizens of the county of Wythe, praying that authority may be given the court of said county to increase the reward for killing wolves; and that the provisions of the act providing for the protection of sheep in the county of Loudoun, may be extended to the county of Wythe.

Mr. ROBINSON, a petition of citizens of the City of Norfolk, for the passage of an act to incorporate a gas light company in said city.

Ordered, That the said petitions be referred to the committee on agriculture and manufactures.

Mr. ROBINSON also presented a petition of the heirs of Dr. Alexander Gordon, asking compensation for the revolutionary services of their ancestor, which was ordered to be referred to the committee of claims.

Mr. MARTZ presented a petition of citizens of the county of Rockingham, for the establishment of a separate election at the town of Bridgewater in said county, which was ordered to be referred to the committee of propositions and grievances.

Mr. GORF presented a petition of citizens of the county of Randolph, for the construction of a turnpike road from Petersburg, in the county of Hardy, to Beverly, in the county of Randolph, which was ordered to be referred to the committee of roads and internal navigation.

Mr. PITTS presented a petition of the members of the bar of the City of Wheeling, praying for certain amendments to the law regulating attachments against steamboats navigating the Ohio river, which was ordered to be referred to the committee for courts of justice.

On motion of Mr. SYME, the house adjourned until to-morrow 12 o'clock.

WEDNESDAY, JANUARY 3, 1849.

Prayer by the Reverend GEORGE WOODBRIDGE of the Episcopal church.

The SPEAKER announced as the committee on the resolution relative to the call of a convention, Messrs. Lane of Lee, Ferguson, Lacy, Boyers, Pannill, Pitts, Townes, Faulkner, Shepard, Buswell, Watson, Goff, and Beirne of Monroe.

Mr. WHITTLE, from the committee of schools and colleges, presented a report upon the resolution for releasing the securities in the bond securing the loan to Emory and Henry college.

Mr. MITCHELL, from the committee of propositions and grievances, presented the following bill:

No. 81. A bill to annex to the county of Roanoke a part of the county of Montgomery.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bills:

No. 82. A bill to declare Point Pleasant creek and Elk fork in Tyler county, public highways; and

No. 83. A bill to amend the act incorporating the Fredericksburg and Blue Ridge railroad company, and for other purposes.

Which several bills were subsequently read the first, and ordered to be read the second time.

On motion of Mr. CONWAY,

Resolved, That the committee for courts of justice enquire into the expediency of changing the time of holding the circuit superior court of law and chancery for the county of Spotsylvania.

On motion of Mr. SHERFEY,

Resolved, That it be referred to the committee of propositions and grievances to enquire into the expediency of incorporating a cemetery company in the town of Staunton.

On motion of Mr. MOORE,

Resolved, That the committee for courts of justice enquire into the expediency of so amending the criminal laws, as to make it an indictable offence for any voter in any election, either directly or indirectly to take or receive any thing in consideration of voting or having voted for any candidate for either house of the general assembly; and also for any person either directly or indirectly to give to any such voter any thing in consideration of voting or having voted for any such candidate.

On motion of Mr. MONCURE of Stafford,

Resolved, That the committee of claims enquire into the expediency of paying to George Pickett and others, of the county of Stafford, the balance claimed by them for the apprehension of William Alford, a convict in the penitentiary, after crediting the amount allowed by the executive on account of said claim.

On motion of Mr. COLLINS,

Resolved, That the committee of propositions and grievances be instructed to enquire into the expediency of establishing a separate election at the house of Martin Butcher on Tygart's creek in Wood county.

On motion of Mr. COLLINS,

Resolved, That the committee of propositions and grievances enquire into the expediency of establishing a separate election at the house of Willis Leech on the Kanawha river in Wood county.

On motion of Mr. SMITH,

Resolved, That a special committee be appointed to enquire into the expediency of directing the governor of the commonwealth to have prepared and present to brevet Col. Robert E. Lee of the engineer corps, and to brevet Col. Francis Taylor of the first regiment artillery, each a sword, for their gallant and distinguished services in the late brilliant campaigns in Mexico.

And a committee was appointed of Messrs. Smith, Syme, Aston, Cackley, Boyd, Fairfax and M'Cue.

On motion of Mr. BOYERS,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of reporting a bill changing the time of holding the county court of Wetzel county.

On motion of Mr. BOYERS, the same having been amended on motion of Mr. FERGUSON,

Resolved, That a committee of twenty-one be appointed and instructed to enquire into the expediency of rearranging the judicial circuits of this commonwealth, and as near as may be to equalize the labours of the judges thereof.

The SPEAKER deferred announcing said committee until to-morrow.

On motion of Mr. CLENDENIN,

Resolved, That a special committee be appointed to enquire into the propriety of directing the governor of the commonwealth to cause to be prepared and presented to major Andrew Waggener of Mason county, a sword with suitable devices, for his heroic and gallant defence of Craney island during the last British war.

And a committee was appointed of Messrs. Clendenin, Fugate, Bassel, Watson, Thomas and Hiatt.

Mr. PITTS submitted the following resolution, which, on motion of Mr. PERROW, was laid upon the table :

Resolved, That it be referred to a select committee to enquire into the propriety of directing the governor of this commonwealth to have prepared a suitable sword to be presented to Lt. Joseph Updegraff of the United States army, a native of Virginia, for his gallant conduct in the late war with Mexico.

On motion of Mr. PITTS;

Resolved, That a select committee be appointed to enquire into the expediency of instructing the governor of this commonwealth to cause to be prepared and presented to each of the sons of Virginia who distinguished themselves in the late war with Mexico, a sword, or appropriate medal ; and also to report to the house the names of those who deserve this honour.

And a committee was appointed of Messrs. Pitts, Smith, Claiborne, Conway, Sydnor, Thompson of Smyth, and Wallace.

On motion of Mr. PERROW, the resolution submitted by Mr. PITTS for voting a sword to Lieutenant Updegraff, was taken up, and ordered to be referred to the said last committee.

On motion of Mr. BARNETT, the vote concurring with the committee of propositions and grievances in reporting it inexpedient to establish a separate election in the county of Pulaski, was reconsidered, (the rule of the house having been suspended therefor,) and the said report was ordered to be recommitted.

Mr. BARNETT then presented a petition of citizens of the county of Pulaski for the establishment of said separate election, which was ordered to be referred to the same committee.

On motion of Mr. ROBINSON,

Ordered, That the committee of propositions and grievances be discharged from the consideration of the resolution for amending the charter of the City of Norfolk, and that the same be laid upon the table.

On motion of Mr. ROBINSON,

Resolved, That the committee of propositions and grievances be instructed to enquire into the expediency of altering and amending the charter of the City of Norfolk, passed February 13th, 1845.

Mr. PAXTON presented a petition of the cadets of the Virginia military institute, asking for an appropriation to reconstruct and enlarge their barracks.

Also, a communication from the superintendent of the Virginia military institute on the same subject.

Ordered, That the said petition and communication be laid upon the table, and be printed. [Doc. No. 39.]

Mr. STOVALL presented a petition of John E. Dove, praying that the present chaplain to the penitentiary may be allowed an annual salary for his services, which on motion of Mr. STOVALL, was ordered to be referred to the committee of propositions and grievances.

Mr. HART presented a petition of citizens of the counties of Albemarle, Augusta, Rockbridge and adjacent counties, for an amendment

of the act passed March 1st, 1847, authorizing an increase of the capital stock of the Staunton and James river turnpike company.

Mr. GOFF, a petition of citizens of the counties of Barbour and Harrison, for an appropriation to construct a road from Clarksburg in Harrison county, to Philippi, in the county of Barbour.

Ordered, That the said petitions be referred to the committee of roads and internal navigation.

Mr. ROBINSON presented a petition of Nicholas Cleary for the passage of an act to authorize the sale of a slave belonging to his infant son, which was ordered to be referred to the committee for courts of justice.

Mr. WHITTLE presented a document to sustain the claim of R. F. Astrop, which was ordered to be referred to the committee of claims.

Mr. CARROLL presented a petition of citizens of the county of Grayson, for the appointment of commissioners to fix the site for the seat of justice of said county.

Mr. SHEPARD, a petition of citizens of the county of Middlesex, for the removal of the seat of justice of said county from its present location.

Also, a memorial of other citizens of said county, remonstrating against the said removal.

And a petition of citizens of the county of Mathews for the establishment of a separate election in that county.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

On motion of Mr. STOVALL,

Resolved, That the committee for courts of justice enquire into the expediency of reporting bill No. 457 of the last session.

On motion of Mr. LANE of Lee,

Resolved, That the resolution adopted on yesterday, requesting the Board of public works to distribute the map and outline of the improvements of the state, be rescinded.

On motion of Mr. LANE of Lee,

Resolved by the general assembly, That the Board of public works be requested to furnish each member of the present general assembly with an additional copy of the map and outline of the improvements of the state, prepared by C. Crozet, Esq., under a resolution of the last session, and to forward to the clerk of each county and corporation represented in the house of delegates one copy of the map and outline, to be by them preserved and exhibited for the inspection of the people; and that the said board retain in their office the residue of the one thousand copies ordered by the resolution aforesaid, subject to the order of the next general assembly.

Ordered, That the clerk communicate the said resolution to the senate and request their concurrence.

On motion of Mr. SYDNOR,

Resolved, That the committee on roads and internal navigation enquire into the expediency of incorporating a company to construct a turnpike road from Luray in the county of Page, by way of Front

Royal, in the county of Warren, to intersect the Valley turnpike at Newtown, in the county of Frederick, upon the two fifths principle.

On motion of Mr. LANE of Lee,

Resolved, That the committee of propositions and grievances enquire into the expediency of reporting a bill authorizing the clerk of the county court of Lee county, to convey to Isaac Robinett of said county two tracts of land, one containing 62 acres and the other 300 acres, lying on Blackwater, in said county, purchased by him at the sale of delinquent lands for the nonpayment of taxes for the year 1834.

No. 46. An engrossed bill providing for the purchase of furniture for the Eastern and Western asylums, and for other purposes, was taken up on motion of Mr. SHEFFER, read a third time, and then on motion of Mr. STOVALL, again ordered to be laid upon the table.

The following engrossed bills were read a third time and passed, viz :

No. 69. A bill changing the time of holding the county court of Alexandria county.

No. 71. A bill to amend the act, entitled "an act to amend the act establishing the town of Grandville, in the county of Monongalia."

No. 72. A bill providing for taking the sense of the citizens of Wirt county, upon the selection of a site for the seat of justice thereof.

No. 73. A bill authorizing a separate election at the house of Lewis Hatcher, in the county of Mercer; and

No. 74. A bill to amend the act, entitled "an act authorizing two separate elections in the county of Fayette."

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

The following bills were read a second time, and ordered to be engrossed and read a third time, viz :

No. 78. A bill in relation to the school quota of the county of Alexandria.

No. 79. A bill concerning Samuel S. Simmons, adjutant of the 98th regiment; and

No. 80. A bill concerning Stephen Kent, administrator of Nicholas Cole, deceased.

A report of the committee of schools and colleges was read and agreed to as follows:

The committee of schools and colleges have considered the petition to them referred of the trustees of Emory and Henry college, praying a release of the securities in the bond given to secure a sum of money due from the said college to the state, and the committee have come to the following resolution thereupon:

Resolved, That it is inexpedient to grant such release.

On motion of Mr. STOVALL, the house adjourned until to-morrow 12 o'clock.

THURSDAY, JANUARY 4, 1849.

Prayer by the Reverend JOHN JOHNS of the Episcopal church.

Mr. SCOTT, from the committee for courts of justice, reported with a substitute the following bill:

No. 35. A bill providing for taking the relinquishment of dower in the estate of lunatics, which was ordered, on motion of Mr. SHEFFEY, to be laid upon the table, and it was further ordered that the substitute be printed.

Mr. SCOTT, further from the same committee, presented the following bill:

No. 84. A bill to authorize county courts to establish public landings, with restrictions upon the public use thereof.

Mr. WHITTLE, from the committee of schools and colleges, presented a report against reporting bill No. 281 of the last session, relating to colleges and academies; and the following bills:

No. 85. A bill to incorporate the Red Oak academy of Brunswick county; and

No. 86. A bill to provide additional accommodations for the deaf & dumb and blind institution.

Mr. POWELL, from the committee of claims, presented the following bill:

No. 87. A bill authorizing the payment of a sum of money to J. B. & W. Hite.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bill:

No. 88. A bill to confirm the grant by the common council of Alexandria of part of certain streets in said town to the Alexandria canal company.

Mr. STOVALL, from the committee of finance, presented the following bill:

No. 89. A bill allowing the commissioners of the revenue for the county of Loudoun, compensation for listing dogs.

All which bills were subsequently read the first, and ordered to be read a second time.

On motion of Mr. LANCASTER,

Resolved, That the committee of propositions and grievances be instructed to enquire into the expediency of relieving the officers, contractors and labourers upon the works of the James river and Kanawha company from taxation, under the road laws of the county of Rockbridge, passed the 18th of January 1837.

On motion of Mr. MAYO,

Resolved, That the committee on finance enquire into the expediency of increasing the compensation of the commissioner of the revenue for the City of Richmond.

On motion of Mr. BASSEL,

Resolved, That the committee of roads and internal navigation enquire into the expediency of increasing the capital stock of the Weston and Fairmont turnpike company.

On motion of Mr. MONCURE of Carolinæ,

Resolved, That the committee of finance enquire into the expediency of repealing or amending so much of the 5th section of an act requiring commissioners of the revenue to assess merchants' licenses, and for other purposes, passed March 16th, 1848, as subjects a commissioner of the revenue to a fine of five dollars for failing to swear every person from whom he shall be required by said act to take a list of property.

Mr. MONCURE of Caroline presented a letter from the commissioner of the revenue for the county of Caroline upon the same subject, which was ordered to be referred to the committee of finance.

On motion of Mr. PANNILL, the communication from the governor relative to the sale of certain property belonging to the state, was taken up and ordered to be referred to the committee of finance.

Mr. ARNETT presented a petition of Franklin Davis, for the passage of an act to authorize him to build a mill and dam on Buffalo creek, in the county of Marion.

Mr. WHITE, two petitions of citizens of the county of Loudoun, asking for an appropriation to improve the road from Hillsborough to Harper's Ferry.

Mr. COWPER, a petition of citizens of the town of Portsmouth and county of Norfolk, praying that the connexion between the James river and Kanawha improvement and tidewater at the City of Richmond, may be completed.

Ordered, That the said petitions be referred to the committee of roads and internal navigation.

Mr. BEARD presented a petition of citizens of the county of Loudoun, praying that the collectors of the state revenue may be required to receive notes of the Wheeling banks in payment of taxes and dues to the commonwealth, which was ordered to be referred to the committee of finance.

Mr. WHITE presented a petition of citizens of the county of Loudoun, for the passage of an act to incorporate "The Mutual fire insurance company of the county of Loudoun."

Mr. CLENDENIN, a petition of citizens of the counties of Jackson, Wirt, Gilmer and Kanawha, asking for the formation of a new county out of parts of said counties.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

The SPEAKER announced the following as the committee on the resolution for rearranging the judicial circuits of the state: Messrs. Boyers, Robinson, Booth, Segar, Shepard, Wallace, Smith, Lacy, Irving of Cumberland, Cardwell, Burwell, Strother, Watson, Wood, Pittman, Aston, Boyd, Layne of Alleghany, Bassel, Byrne of Braxton, and Mayo.

The following engrossed bills were read a third time and passed, to wit:

No. 78. A bill in relation to the school quota of the county of Alexandria.

No. 79. A bill concerning Samuel S. Simmons, adjutant of the 98th regiment; and

No. 80. A bill concerning Stephen Kent, administrator of Nicholas Cole, deceased.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

The following bills were read a second time, and ordered, on motions severally made, to be laid upon the table :

No. 70. A bill to extend throughout the commonwealth the provisions of the act, entitled "an act to prevent the killing of deer within certain periods annually ;" and

No. 77. A bill concerning the jurisdiction of the general court.

No. 81. A bill to annex to the county of Roanoke a part of the county of Montgomery ; and

No. 82. A bill to declare Point Pleasant creek and Elk fork in Tyler county, public highways, were read a second time and ordered to be engrossed and read a third time.

No. 44. An engrossed bill authorizing the clerk of the county court of Fairfax to convey to John Powell a certain lot of land, was taken up on motion of Mr. STOVALL, read a third time and passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. MOORE,

Resolved, That the committee for courts of justice enquire into the expediency of so amending the law in relation to witnesses summoned before any of the courts of this commonwealth, as to allow them mileage for any distance over ten miles.

A report of the committee of schools and colleges was read and agreed to as follows :

The committee on schools and colleges have, according to order, enquired into the expediency of reporting bill No. 281 of the last session, relating to colleges and academies, and the committee have come to the following resolution :

Resolved, That it is inexpedient to report the said bill.

On motion of Mr. PIRTS,

Ordered, That the committee appointed on yesterday, on the resolution for voting swords to such officers of this state as may merit that honour, be increased by the addition of the following : Messrs. Byrne of Braxton, Robinson, Pannill, Cook, Clendenin and Watson.

On motion of Mr. GUSTIN, the house adjourned until to-morrow 12 o'clock.

FRIDAY, JANUARY 5, 1849.

Prayer by the Reverend LEROY M. LEE of the Methodist church.

Mr. SCOTT, from the committee for courts of justice, presented the following bills :

No. 90. A bill concerning the jurisdiction of the mayor's court of the City of Richmond.

No. 91. A bill concerning the tobacco trade in the town of Alexandria; and

No. 92. A bill concerning the jurisdiction of courts of chancery.

Which bills were subsequently read the first, and ordered to be read a second time.

Mr. JONES, from the committee of propositions and grievances, reported with amendment the following bill:

No. 75. A bill authorizing a separate election at Boston postoffice in the county of Culpeper, which was taken up, and the said amendment being read, was agreed to, and the said bill, as amended, was ordered to be engrossed and read a third time.

Mr. JONES, further from the same committee, presented a report, which was subsequently read, and on his motion ordered to be laid upon the table:

The committee of propositions and grievances have, according to order, had under consideration the petition and accompanying documents of sundry citizens of Hancock county to them referred, praying the passage of an act authorizing a new election to be held, for the selection of a site for the seat of justice for said county; and also the memorial of sundry other citizens of said county, remonstrating against the prayer of said petitioners, and praying at the same time, that an act may pass confirming and permanently fixing the seat of justice for said county of Hancock at the town of New Manchester: Wherefore,

Resolved as the opinion of this committee, That the prayer of said petitioners for a new election, as well as that of said other citizens for confirming and fixing permanently the site for the seat of justice for said county at New Manchester, be rejected in both cases for want of notice, as required by the 23d rule of the house of delegates.

Mr. JONES, further from the same committee, presented the following bills:

No. 93. A bill authorizing a separate election at the house of Thomas Miller in the county of Braxton.

No. 94. A bill authorizing a separate election at the house late the residence of Adam Rosenbaum, senior, deceased, in the county of Wythe; and

No. 95. A bill to change the place of holding a separate election in the county of Highland.

Which bills were severally read the first, and ordered to be read a second time.

Mr. POWELL, from the committee of claims, presented a report, which was read and agreed to as follows:

The committee on claims have, according to order, enquired into the propriety of refunding to William T. Lemosey a certain sum of money, paid by him into the treasury of the state in the year 1847, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That it is inexpedient to refund said sum of money.

Mr. STOVALL, from the committee of finance, presented the following reports, which were read and agreed to:

The committee on finance have, according to order, enquired into

the expediency of so amending the law relating to the duties of commissioners of the revenue, requiring them to assess all property subject to assessment, in person, and have come to the following resolution thereupon :

Resolved as the opinion of this committee, That it is inexpedient to make any change in the existing law on the subject.

The committee on finance have, according to order, enquired into the expediency "of changing the time of issuing licenses from the May to the November courts of each year," and have come to the following resolution thereupon :

Resolved as the opinion of this committee, That it is inexpedient to change the time of issuing licenses in this commonwealth.

Mr. STOVALL, further from the same committee, presented a report upon the petition of Cyrus A. Larue and others, of the county of Greenbrier, which, on motion of Mr. MARTZ, was ordered to be laid upon the table.

Mr. STOVALL, also from the same committee, presented the following bill :

No. 96. A bill imposing taxes for the support of government, which was read the first, and ordered to be read a second time.

On motion of Mr. PITTS,

Resolved, That it be referred to a committee of five members to report a bill extending the provisions of the act of assembly passed the 4th day of February 1819, entitled "an act to reduce into one the several acts to oblige vessels coming from foreign ports to perform quarantine," to the Ohio river and its tributaries.

And a committee was appointed of Messrs. Pitts, Boyers, M'Donald, Arnett and Decamps.

Ordered, That said committee have leave to sit during the session of the house.

Mr. SMITH, according to order, presented the following bill :

No. 97. A bill directing the governor to present swords to Robert E. Lee and Francis Taylor, which was subsequently read the first and ordered to be read a second time.

Mr. CLENDENIN, according to order, presented the following bill :

No. 98. A bill authorizing a sword to be presented to Major Andrew Waggoner, which was read the first and ordered to be read a second time.

Mr. PITTS, according to order, presented the following bill :

No. 99. A bill to extend the quarantine laws to the Ohio river and its tributaries, which was read the first, and (the rule of the house having been suspended,) the second time, and ordered to be engrossed and read a third time.

On motion of Mr. IRVING of Cumberland,

Resolved, That the committee of claims enquire into the propriety of paying to S. H. Parrack, the sum due him for his services as a guard, in conveying a prisoner, William A. Beard, from the county of Cumberland to the penitentiary.

On motion of Mr. FERGUSON,

Resolved, That the committee for courts of justice enquire into the

expediency of repealing the 8th section of the tenth chapter of the Criminal Code, passed at the last session of the general assembly.

On motion of Mr. SHEFFY,

Resolved by the general assembly, That the librarian of the commonwealth extend the use of the public library to the ministers of the various religious denominations who may open the daily sessions of either house of the general assembly by prayer, upon the terms on which delegates and senators enjoy this privilege.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. GEORGE,

Resolved, That so much of the second auditor's report as refers to Emory and Henry college, be referred to the committee of schools and colleges.

Mr. THOMSON of Jefferson, presented a petition of the president and directors of the Smithfield, Charlestown and Harper's Ferry turnpike company, to change the location of their road, so that it may enter the town of Charlestown, near Lock's mill, and for other purposes, which was ordered to be referred to the committee of roads and internal navigation.

The following engrossed bills were read a third time and passed, to wit :

No. 81. A bill to annex to the county of Roanoke a part of the county of Montgomery ; and

No. 82. A bill to declare Point Pleasant creek and Elk fork in Tyler county, public highways.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

The following bills were read a second time and ordered to be engrossed and read a third time, viz :

No. 85. A bill to incorporate the Red Oak academy of Brunswick county.

No. 87. A bill authorizing the payment of a sum of money to J. B. & W. Hite.

No. 88. A bill to confirm the grant by the common council of Alexandria, of part of certain streets in said town to the Alexandria canal company ; and

No. 89. A bill allowing the commissioners of the revenue for the county of Loudoun, compensation for listing dogs.

Mr. SHEFFY presented a communication from the presidents of the Richmond and Petersburg, and of the Richmond, Fredericksburg and Potomac railroad companies, in reply to a communication of H. D. Bird to the Board of public works, which, on his motion, was laid upon the table and ordered to be printed. [Doc. No. 10.]

On motion of Mr. PITTS, the house adjourned until to-morrow 12 o'clock.

SATURDAY, JANUARY 6, 1849.

Prayer by the Rev. ALMOND GAGE of the Universalist church.

Mr. SCOTT, from the committee for courts of justice, presented the following bills:

No. 100. A bill changing the time of holding the circuit superior courts of Spottsylvania and Caroline counties; and

No. 101. A bill changing the time of holding the circuit superior courts of the counties of Rockbridge, Nelson and Albemarle.

Mr. POWELL, from the committee of claims, presented the following bill:

No. 102. A bill concerning George Pickett and Thomas A. Withers.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bill:

No. 103. A bill to provide for the construction of a road from the forks of Sandy river, in Wayne county, to the Kanawha turnpike in Cabell county.

Mr. MAYO, according to order, presented the following bill:

No. 104. A bill to provide for the repair of the governor's house, and furnishing the same.

All which bills were subsequently read the first, and ordered to be read a second time.

On motion of Mr. ROBINSON,

Resolved, That the use of the hall of the house of delegates be granted to the Rev. G. Copway, a chief of the Chippewa tribe of Indians, on Tuesday evening next, for the purpose of delivering a lecture upon the subject of a plan proposed by him for civilizing the condition of the North American Indians.

On motion of Mr. ALLEN,

Resolved, That the committee of finance be instructed to enquire into the expediency of passing a law authorizing the commissioners of elections to receive the revenue tax on the days of election of voters who have been assessed, and have not been returned delinquent for nonpayment of the same.

On motion of Mr. BYRD,

Resolved, That the committee of propositions and grievances be instructed to enquire into the expediency of passing a law allowing a premium for killing crows in the county of Bath.

On motion of Mr. WORTHINGTON,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of extending the limits prescribed in the third section of the act passed March 16th, 1847, entitled "an act to incorporate the Little's falls railroad company."

On motion of Mr. LAIDLEY,

Resolved, That the committee for courts of justice enquire into the expediency of changing the time for holding the county courts of Kanawha, Cabell, Wayne, Logan, Boone and Putnam counties.

On motion of Mr. FUGATE,

Resolved, That the committee for courts of justice be instructed to

enquire into the expediency of defining the manner of giving notice to parties living out of the county in which the application is made, to try the rights of property before a justice of the peace, as is required by an act passed 19th March 1839; also as is required by the second section of an act passed March 6th, 1840, relating to new trials before a justice of the peace.

A motion was made by Mr. FUGATE, that the house adopt the following resolution:

Resolved, That the committee on finance enquire into the expediency of taxing slaves under twelve years old.

On motion of Mr. MARTZ, the resolution was ordered to be laid upon the table.

Mr. TOMLIN presented a petition of James B. Harrison, praying to be divorced from his wife.

Mr. STOVALL, a petition of Robert Easley, for a change in the law concerning milldams.

Mr. WHITE, a petition of citizens of the county of Loudoun, for the passage of an act to permit Harry Parker, a free negro, to remain in the commonwealth.

Ordered, That the said petitions be referred to the committee for courts of justice.

Mr. FERGUSON presented a petition of citizens of the counties of Logan and Boone, for the passage of an act securing to junior patentees whose lands are included within the limits of large surveys the titles to their lands; also asking amendments to the several acts concerning delinquent and forfeited lands west of the Alleghany mountains, which was ordered to be referred to a committee of Messrs. Ferguson, Mayo, Moore, Clendenin and Collins.

Mr. SEGAR presented a petition of citizens of the town of Hampton and of the county of Elizabeth City, for the passage of an act to incorporate the said town of Hampton.

Mr. SHEPARD presented a petition of citizens of the county of Accomack, praying for the division of said county.

Mr. MOORE, a memorial of citizens of the county of Cabell, remonstrating against adding any portion of said county to the county of Putnam.

Mr. BYRNE of Braxton, a petition of citizens of the county of Braxton, for the formation of a new county out of parts of the counties of Randolph, Nicholas and Braxton.

Mr. SMITH, the proceedings of the common council and the vote of the people of the town of Alexandria, asking an amendment of the charter of said town, so that the common council may be authorized to subscribe to the stock of the Orange and Alexandria railroad company.

Mr. MASSEY, a petition of citizens of the town of Front Royal, in the county of Warren, asking for an amendment to the act incorporating said town.

Ordered, That the said petitions and proceedings be referred to the committee of propositions and grievances.

Mr. WELTON presented a petition of citizens of the county of Hardy,

asking for the establishment of a savings bank in the town of Moorfield, which was ordered to be referred to the committee on banks.

Mr. LAIDLEY presented a petition of citizens of the county of Kanawha, asking for an appropriation for the construction of a railroad on state account from the head of steamboat navigation on the Kanawha river to some point at or near Covington.

Mr. HIETT, a petition of citizens of the counties of Hampshire and Morgan, for the incorporation of a company to construct a road from a point on the Northwestern turnpike to some point on the Baltimore and Ohio railroad at or near the Pawpaw tunnel in the county of Morgan.

Ordered, That the said petitions be referred to the committee of roads and internal navigation.

The following engrossed bills were read a third time and passed, viz :

No. 75. A bill authorizing a separate election at Boston postoffice in the county of Culpeper.

No. 85. A bill to incorporate the Red Oak academy of Brunswick county.

No. 87. A bill authorizing the payment of a sum of money to J. B. & W. Hite.

No. 88. A bill to confirm the grant by the common council of Alexandria of part of certain streets in said town to the Alexandria canal company.

No. 89. A bill allowing the commissioners of the revenue for the county of Loudoun compensation for listing dogs; and

No. 99. A bill to extend the quarantine laws to the Ohio river and its tributaries.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

The following bills were read a second time, and ordered to be engrossed and read a third time :

No. 83. A bill to amend the act incorporating the Fredericksburg and Blue Ridge railroad company, and for other purposes.

No. 86. A bill to provide additional accommodations for the deaf and dumb and blind institution.

No. 90. A bill concerning the jurisdiction of the mayor's court of the City of Richmond.

No. 91. A bill concerning the tobacco trade in the town of Alexandria.

No. 93. A bill authorizing a separate election at the house of Thomas Miller in the county of Braxton.

No. 94. A bill authorizing a separate election at the house late the residence of Adam Rosenbaum, senior, deceased, in the county of Wythe; and

No. 95. A bill to change the place of holding a separate election in the county of Highland.

No. 97. A bill directing the governor to present swords to Robert E. Lee and Francis Taylor; and

No. 98. A bill authorizing a sword to be presented to Major Andrew Waggoner;

Were severally read a second time and ordered to be laid upon the table, on motions made by Mr. RIVES and Mr. LACY.

No. 46. An engrossed bill providing for the purchase of furniture for the Eastern and Western asylums, and for other purposes, was taken up on motion of Mr. STOVALL, read a third time and passed.

No. 45. An engrossed bill authorizing the sale of the real estate of Roger Atkinson of the county of Halifax, was taken up on motion of Mr. STOVALL, read a third time and passed.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 104. A bill to provide for the repair of the governor's house and furnishing the same, was read a second time (the rule of the house having been suspended therefor on motion of Mr. MAYO,) and the said bill having been amended on motion of Mr. FERGUSON, was, as amended, on motion of Mr. WATSON, ordered to be committed to the committee which brought it in.

On motion of Mr. DARRACOTT, the house adjourned until Monday 12 o'clock.

MONDAY, JANUARY 8, 1849.

Prayer by the Reverend GEORGE WOODBRIDGE of the Episcopal church.

Mr. WHITTLE, from the committee of schools and colleges, presented the following bill:

No. 105. A bill for the relief of Milton Ferguson as superintendent of schools for Wayne county.

Mr. MAJOR, from the committee of propositions and grievances, presented the following bills:

No. 106. A bill extending the corporate limits of the town of Lewisburg and enlarging the powers of the trustees thereof.

No. 107. A bill to prevent the destruction of oysters in Ware river in the county of Gloucester; and.

No. 108. A bill authorizing a separate election at the house of John Rupe in the county of Pulaski.

On motion of Mr. PERROW,

Resolved, That it be referred to the committee of roads and internal navigation to enquire into the expediency of subscribing on behalf of the state three fifths of the capital stock of the Howardsville and Rockfish turnpike company, instead of two fifths, as provided for by an act for the extension of the Howardsville and Rockfish turnpike road, passed March 9th, 1848.

On motion of Mr. SEGAR,

Resolved, That the committee for courts of justice enquire into the expediency of extending the time for clerks of courts to execute deeds to purchasers of lands sold by sheriffs for nonpayment of taxes.

On motion of Mr. LAIDLEY,

Resolved, That the committee on trade and mechanic arts enquire into the expediency of incorporating the Kanawha Salines, Charleston, Point Pleasant and Gallipolis telegraph company.

On motion of Mr. CREATHAM,

Resolved, That the committee of schools and colleges enquire into the expediency of amending the charter of the Reedy spring academy in Appomattox county, passed December 15th, 1840.

On motion of Mr. RIVES, he was excused from serving on the committee on the repairs and furniture for the governor's house.

Mr. SCOTT, from the committee for courts of justice, presented the following bills:

No. 109. A bill repealing the first, second and third sections of an act, entitled "an act concerning the correction of errors committed in the progress of chancery causes, and regulating appeals from decrees pronounced therein."

No. 110. A bill concerning bail in civil actions; and

No. 111. A bill for the relief of Harry Parker.

A message was received from the senate by Mr. STRINGER, who informed the house that the senate had passed the bill, entitled "an act to extend the quarantine laws to the Ohio river and its tributaries."

No. 98. A bill authorizing a sword to be presented to Major Andrew Waggoner, was taken up on motion of Mr. LACY, amended by him, and as amended ordered to be engrossed and read a third time, an unsuccessful motion having been made by Mr. HARRISON of Prince William, that the further consideration thereof be indefinitely postponed.

On motion of Mr. HIETT,

Resolved, That a select committee be appointed, with instructions to put a reasonable estimate on all the furniture now in the executive mansion, and report the same to this house; and that said committee be instructed, if practicable, to ascertain the amount expended under each of the two preceding administrations for the use of the said mansion, and for what expended, and by whom, and report the same to this house.

And a committee was appointed of Messrs. Hiett, Pannill, Watson, Sheffey, Faulkner, Worthington and Martz.

Mr. SHEPARD presented a memorial of sundry citizens of the county of Accomack, remonstrating against the division of said county and the formation of a new county out of the same.

Mr. MAJOR presented three similar memorials of citizens of the same county.

Mr. ROBINSON, a similar memorial of other citizens of the same county.

Mr. HINER presented a petition of citizens of the county of Highland for the establishment of a separate election in said county.

Mr. RECTOR, a petition of citizens of the county of Fauquier, asking for the change of the place of holding a separate election in said county.

Mr. CLOPTON, a petition of citizens of the county of Gloucester, relative to the restrictions imposed upon them in fishing for oysters.

Ordered, That said petitions be referred to the committee of propositions and grievances.

Mr. BUSWELL presented a petition of citizens of the county of Page,

asking for an appropriation to aid in constructing a road across the Blue Ridge, from the western base in the county of Page, near the head of the Hawkshill, to the eastern base of said mountain in Madison county, near the head waters of the Robinson river.

Mr. NEWMAN, a similar petition of citizens of the county of Madison.

Mr. GORR, two petitions of citizens of the counties of Barbour and Lewis, for the incorporation of a joint stock company to construct a turnpike road from Philippi in Barbour county, to the town of Buckhannon in the county of Lewis, the state to subscribe for three fifths of the said stock.

Mr. BAILEY, a petition of Charles Hale, for the passage of an act to compensate him for work done on the Price's turnpike and Cumberland gap road.

Ordered, That the said petitions be referred to the committee of roads and internal navigation.

A message was received from the senate by Mr. ISBEL, who informed the house that the senate had passed a bill, entitled "an act for the relief of Martha Watts."

A motion was made by Mr. SCOTT that the house adopt the following preamble and resolution:

Whereas on the day of , the general assembly of Virginia passed an act for the cession of ten miles square, or a lesser quantity of territory within this state to the United States in congress assembled, for the permanent seat of the federal government; and by a resolution passed on the 10th day of December 1789, it was declared that in case congress should deem it expedient to establish the permanent seat of government on the Potomac, so as to include the cession of Virginia or Maryland, or a part of the cessions of both, the general assembly would pass an act for advancing a large sum of money to the United States, to be applied in such manner as congress should direct towards erecting public buildings. And whereas congress accepted the overture, and did establish the seat of the general government on the Potomac, and accepted the cession of Virginia so as to include a considerable portion of her territory within the District of Columbia, over which congress by virtue of the said cession had exclusive jurisdiction, and Virginia paid to the United States the sum of \$ 120,000. And whereas the part so ceded has been retroceded to Virginia, and now forms a part of her territory, and it seems reasonable that the money so given, together with the interest thereon, should be refunded; and the general assembly being willing that the same shall be devoted to an object in which not only Virginia, but the other states of the Union are interested, and especially many persons having business at the seat of government:

1. *Be it therefore resolved*, That the claim of the state of Virginia to have the money aforesaid, together with the interest thereon refunded, be, and the same is hereby transferred to the Orange and Alexandria railroad company; and the congress of the United States are hereby requested to pass an act directing the same to be paid to the said company: *Provided*, That the payment thereof shall not be made until the said road, with a branch to Warrenton, from some point there-

of in the county of Fauquier shall be completed, or until the said company, or some person for them, shall give bond with sufficient sureties, payable to the governor of this commonwealth for the use of the commonwealth, conditioned that the said company shall faithfully apply the same in the construction of the said road and its branches, and in procuring the means of transportation thereupon: *And provided also*, That a part of said money, proportionate to the length of the main stem and the branch to Warrenton, shall be applied to the construction of that branch so soon as the amount of stock subscribed, or other means at the disposal of the company, exclusive of income from the road, shall be sufficient to construct both the main stem and the said branch.

2. *Resolved*, That copies of the foregoing resolution be forwarded to the representatives from Virginia in the senate and house of representatives of the United States.

On motion of Mr. YERBY, the same was ordered to be laid upon the table.

On motion of Mr. WHITTLE,

Ordered, That the said preamble and resolutions be printed. [Doc. No. 40.]

On motion of Mr. PITTS,

Resolved, That the committee on banks enquire into the expediency of reporting a bill to incorporate the savings bank of Wheeling.

On motion of Mr. IRVING of Cumberland,

Resolved, That the committee for courts of justice enquire into the expediency of amending or explaining the 15th section of the act passed January 12th, 1818, entitled "an act to reduce into one the several acts for the better securing the payment of rents, and to prevent the fraudulent practices of tenants, and to regulate the practice of suing out and prosecuting writs of replevin.

On motion of Mr. SEGAR,

Resolved, That the select committee on the removal of free negroes enquire into the expediency of providing by law that no owner of slaves shall emancipate the same unless provision be made for their removal beyond the limits of this commonwealth.

On motion of Mr. FINNEY,

Resolved, That the select committee on the removal of free negroes be instructed to enquire what legislation is necessary more effectually to prevent slaves from going at large, and to prevent the owners of slaves from hiring to them their own time.

On motion of Mr. COLLINS,

Resolved, That the committee of propositions and grievances be instructed to enquire into the expediency of establishing the election heretofore held at the house of Mr. Tavenner in Elizabethtown, Wirt county, at the house now used for the courthouse in said county.

Mr. THOMPSON of Botetourt presented a petition of the president, trustees and others of the Fincastle female seminary, asking the passage of an act to incorporate said seminary, and to appropriate an amount sufficient for the erection of buildings for said academy.

Mr. PITTS, a petition of citizens of the City of Wheeling, for an

amendment to the act, entitled "an act for the establishment of a district public school system."

Ordered, That the said petitions be referred to the committee of schools and colleges.

Mr. BYRD presented a petition of citizens of the county of Highland, for the establishment of a separate election at M'Olung's school-house or mill in said county.

Mr. COLLINS, a petition of citizens of the county of Wirt, for the establishment of a separate election at the house of John F. Petty in said county.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

On motion of Mr. MASSEY,

Ordered, That the communication from the governor, relative to the pardon of John J. Johnston, together with the documents accompanying the same, be printed: [Doc. No. 41.]

On motion of Mr. DORMAN, the house adjourned until to-morrow 12 o'clock.

TUESDAY, JANUARY 9, 1849.

Prayer by the Reverend ADAM EMPIE of the Episcopal church.

Mr. FERGUSON, from the committee for courts of justice, presented the following bill:

No. 112. A bill changing the times of holding the county courts of the counties of Cabell, Wayne, Boone and Kanawha.

Mr. WHITTLE, from the committee of schools and colleges, presented a report upon the resolution for apportioning the primary school fund among the counties and corporations, according to the proportion of indigent children in each; and the following bill:

No. 113. A bill charging upon the treasury the annual appropriation to the deaf and dumb and blind asylum.

Mr. JONES, from the committee of propositions and grievances, presented the following bills:

No. 114. A bill to amend the act, entitled "an act concerning the City of Norfolk," passed February 13, 1845.

No. 115. A bill to authorize a separate election at Stony creek depot in the county of Sussex; and

No. 116. A bill authorizing a separate election at the tavern house of Benjamin W. Shelly in the county of Dinwiddie.

Mr. POWELL, from the committee of claims, presented the following bills:

No. 117. A bill refunding to John Godfrey a certain sum of money; and

No. 118. A bill releasing to James Cornwell the payment of a certain fine.

Mr. STOVALL, from the committee of finance, presented reports upon the resolution for reporting a tax bill on the *ad valorem* principle; and upon the petition of J. Morrison Smith; and the following bill:

No. 119. A bill releasing to the common council of Alexandria the state's interest in certain money advanced for the use of the general government.

Mr. BASSEL, from the committee on the clerk's office, presented a report upon the condition of that office.

Mr. CONWAY, from the committee on banks, presented the following bill:

No. 120. A bill to establish a branch bank at Fincastle in the county of Botetourt.

On motion of Mr. SYME,

Resolved, That the committee on agriculture and manufactures enquire into the expediency of incorporating the Swift creek manufacturing company in the county of Chesterfield.

Mr. SYME presented a petition of Jabez Smith, asking the incorporation of a joint stock company for manufacturing purposes, which was ordered to be referred to the committee on agriculture and manufactures.

Mr. WATSON presented a petition of the general temperance assembly of Virginia, for the passage of an act for taking the sense of the people at the polls on the propriety of continuing to license the sale of intoxicating liquors, which was ordered to be referred to the committee of propositions and grievances, and to be printed. [Doc. No. 42.]

Mr. CONWAY submitted the following preamble and resolutions, which, on his motion, were ordered to be printed. [Doc. No. 43.]

Whereas the institution of slavery was fully discussed in the convention which formed the constitution of the United States, and the rights of slaveholders recognized and protected by the provisions of that instrument; that without the compromises then solemnly entered into, the union of the states never could have been formed:

And whereas the general assembly of Virginia, regarding what is known as the "Wilmot proviso," as a law in palpable disregard of the compromises of the constitution, did, on the 8th day of March 1847, adopt a series of resolutions distinctly indicating the course which the state of Virginia would pursue in the event of its passage by the congress of the United States:

And whereas the present general assembly have seen, with deep concern, a disposition manifested by the house of representatives of the United States, to violate the principles embodied in said resolutions, and to make still further aggressions upon the rights of the southern states:

Under these circumstances, this general assembly deem the occasion fit to reaffirm said resolutions, and most respectfully, but most earnestly, to call the attention of all who are attached to the union of the states, to the serious and inevitable consequences which must follow such action upon the part of the general government: Be it therefore,

I. Resolved by the general assembly of Virginia, That after the fullest re-examination and reconsideration of the resolutions adopted on the 8th of March 1847, by this body, we do consider said resolutions as founded in truth, consonant with the constitution, and condu-

cive to its preservation, and therefore we feel it to be our indispensable duty to adhere to and reaffirm the same, as follows:

Whereas a bill appropriating money to prosecute war or negotiate peace with the Republic of Mexico, has passed the house of representatives of the congress of the United States, with the following proviso attached thereto: "*Provided*, That as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the executive of the moneys hereby appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall be first duly convicted;" and this general assembly deeming this proviso to be destructive of the compromises of the constitution of the United States, and an attack on the dearest rights of the south, as well as a dangerous and alarming usurpation by the federal government: Therefore,

1. *Be it resolved unanimously by the general assembly of Virginia*, That the government of the United States has no control, directly or indirectly, mediately or immediately, over the institution of slavery, and that in taking any such control, it transcends the limits of its legitimate functions, by destroying the internal organization of the sovereignties who created it.

2. *Resolved unanimously*, That all territory which may be acquired by the arms of the United States, or yielded by treaty with any foreign power, belongs to the several states of this Union, as their joint and common property, in which each and all have equal rights; and that the enactment by the federal government of any law which should directly or by its effects prevent the citizens of any state from emigrating with their property, of whatever description, into such territory, would make a discrimination unwarranted by and in violation of the constitution and the rights of the states from which such citizens emigrated, and in derogation of that perfect equality that belongs to the several states as members of this Union, and would tend directly to subvert the Union itself.

3. *Resolved*, That if in disregard alike of the spirit and principles of the act of congress on the admission of the state of Missouri into the Union, generally known as the Missouri compromise, and of every consideration of justice, of constitutional right and of fraternal feeling, the fearful issue shall be forced upon the country, which must result from the adoption and attempted enforcement of the proviso aforesaid, as an act of the general government, the people of Virginia can have no difficulty in choosing between the only alternatives that will then remain, of abject submission to aggression and outrage on the one hand, or determined resistance on the other, at all hazards and to the last extremity.

4. *Resolved unanimously*, That the general assembly holds it to be the duty of every man in every section of this confederacy, (if the Union is dear to him,) to oppose the passage of any law for whatever purpose, by which territory to be acquired may be subject to such a restriction.

II. *Resolved*, That we regard the passage of a law by the congress of the United States, abolishing slavery or the slave trade in the District of Columbia, as a direct attack upon the institutions of the southern states, to be resisted at every hazard.

III. *Resolved*, That in the event of the passage by congress of the "Wilmot proviso," or any law abolishing slavery or the slave trade in the District of Columbia, the governor of this commonwealth is requested immediately to convene the legislature of this state, (if it shall have adjourned,) to consider of the mode and measure of redress.

IV. *Resolved*, That the governor of this commonwealth be requested to send a copy of these resolutions to each of the states of this Union, and also to our senators and representatives in congress.

A motion was made by Mr. PITTS, that the house adopt the following resolution :

Resolved, That a committee of thirteen be appointed by this house to act jointly with a committee of on the part of the senate, to which the several resolutions on the Wilmot proviso and kindred subjects be referred, and that said joint committee be requested to report on said subject on Thursday next.

And the question being put thereupon, was determined in the affirmative. Ayes 84, noes 38.

On motion of Mr. SHEFFY, the vote thereon was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, Sheffey, M'Cue, Mitchell, Burwell, Faulkner, Boak, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, De Camps, Kyle, Moore, Wills, Irvine of Campbell, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Segar, Clarke, Thomas, Rector, Howard of Floyd, Stillman, Claiborne, Clopton, Price, Stovall, Allen, Welton, Bassel, Lancaster, Worthington, Thomson of Jefferson, Laidley, Wallace, Tomlin, Webb, Lane of Lee, Harrison of Loudoun, White, Beard, Newman, Shepard, Clendenin, Whittle, Beirne of Monroe, Barnett, Kilby, Perrow, Cowper, Yerby, Pitts, Pannill, Turner, Syme, Townes, Grasty, Cackley, Fairfax, Wootton, Goff, Dorman, Paxton, Aston, Fugate, Sibert, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Burdett, George, Boyers, Massey, Harvey, Collins and Boyd—84.

NOES—Messrs. Nock, Layne of Alleghany, Powell, Cheatham, Byrd, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Vaughan, Edwards, Wood, Sydnor, Baily, Maclin of Greenville, Major, Hiatt, Boykin, Houser, Ferguson, Harris, M'Donald, Coleman, Tazney, Gustin, Robinson, Butt, Booth, Buswell, Hiner, Herbert, Rives, Harrison of Prince William, Cook, Martz, Harper, Pitman, Hargrave and Nicholson—38.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

Mr. SYME submitted the following resolution, which, on his motion, was ordered to be laid upon the table and be printed. [Doc. No. 43.]

Resolved by the general assembly of Virginia, That firmly as we are attached to the union of these states, we shall regard the passage of any law by congress abolishing slavery or the slave trade in the District of Columbia, or prohibiting slavery in the territories lately acquired by treaty with Mexico, as an aggression on the rights of the southern states, which will justify them in resorting to any and every measure calculated to preserve their institutions.

On motion of Mr. BYRD,

Resolved, That the committee of schools and colleges be instructed to enquire into the expediency of passing an act to authorize the payment to Joshua Kring, of Bath county, the sum of \$34 73 for the tuition of poor children by him, regularly entered by the school commissioners of said county, but in consequence of some derangement in the meeting of the school commissioners, and want of funds, arising chiefly out of the division of said county to form the new county of Highland, the same has not been paid and still remains unprovided for.

Mr. BYRD presented a document to support the said resolution, which was ordered to be referred to the same committee.

No. 96. A bill imposing taxes for the support of government, was taken up on motion of Mr. STOVALL, and made the order of the day for to-morrow at 12 o'clock.

On motion of Mr. THOMSON of Jefferson,

Ordered, That the report of the engineer of the James river and Kanawha company, made to the last annual meeting of said company, be printed for the use of the general assembly. [Doc. No. 44.]

No. 70. A bill to extend throughout the commonwealth the provisions of the act, entitled "an act to prevent the killing of deer within certain periods annually," was taken up on motion of Mr. PRICE, read a second time, and a motion was made by Mr. ASTON to amend the same, and a motion was made by Mr. PRICE to amend the amendment; thereupon, on motion of Mr. BYRD, the farther consideration of the said bill and proposed amendments was indefinitely postponed.

Resolved, That said bill be rejected.

No. 47. An engrossed bill divorcing Cynthia A. Calloway from her husband James G. Calloway, was taken up on motion of Mr. PRICE, read a third time and passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

No. 4. An engrossed bill incorporating the Virginia cannel coal company, was taken up on motion of Mr. PRICE; thereupon, the rule of the house was suspended, and the vote ordering the said bill to be engrossed was reconsidered, and the same was then ordered to be committed to the committee which brought it in.

On motion of Mr. WILLS, leave was granted to withdraw the petition of the heirs of Christopher Moon, presented at the last session of the general assembly.

On motion of Mr. BURDETT, the house adjourned until to-morrow 12 o'clock.

WEDNESDAY, JANUARY 10, 1849.

Prayer by the Rev. JOHN JOHNS of the Episcopal church.

A communication was received from the senate by their clerk, which was read as follows :

IN SENATE, JANUARY 9, 1849.

The senate have passed the bill, entitled

"An act to authorize Josiah C. Wilson to construct a wharf on James river in the county of Charles City." (No. 28.)

Mr. THOMAS, from the committee for courts of justice, presented the following bill :

No. 121. A bill changing the time of holding the county courts of Harrison.

Mr. POWELL, from the committee of claims, presented a report upon the resolution in behalf of Edward T. Blamire.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bills :

No. 122. A bill authorizing a subscription for the commonwealth to the stock of the Lynchburg and Tennessee railroad company.

No. 123. A bill to incorporate the Covington and Ohio railroad company ; and

No. 124. A bill to incorporate the Blue Ridge railroad company, and for other purposes.

Mr. STOVALL, from the committee of finance, presented the following bills :

No. 125. A bill for the gradual redemption of the public debt ; and

No. 126. A bill appropriating the public revenue.

A message was received from the senate by Mr. STANARD, who informed the house that the senate concurred in the resolution for referring the resolutions on the subject of the Wilmot proviso and kindred measures to a joint committee, with an amendment, in which they requested the concurrence of the house of delegates.

The said amendment being read, was agreed to, and it was ordered that the clerk inform the senate thereof.

Ordered, That the following constitute the committee on the part of this house under the said resolution : Messrs. Pitts, Conway, Scott, Faulkner, Segar, Ferguson, Coleman, Perrow, Lacy, Claiborne, Pannill, Worthington and Vaughan.

On motion of Mr. DE CAMPS,

Resolved, That the committee of propositions and grievances be instructed to enquire into the expediency of reporting a bill confirming the seat of justice of Hancock county at the town of New Manchester.

On motion of Mr. TANZEY,

Resolved, That the committee on the library enquire into the expediency of providing by law for the compilation of a new state map giving correctly the boundaries of all the counties in the state.

On motion of Mr. HOWARD of Williamsburg,

Resolved, That the committee of propositions and grievances be in-

structed to enquire into the expediency of amending, so far as the counties of York and James City are concerned, the act passed April 4th, 1848, entitled "an act to amend an act concerning oysters and terrapins, and the penalties in regard to them," passed March 22d, 1847.

On motion of Mr. SYME,

Resolved, That the committee on roads and internal navigation enquire into the expediency of reporting bill No. 123 of the last session.

On motion of Mr. MASSEY,

Resolved, That the committee of roads and internal navigation enquire into the expediency of extending to the Berryville and Charlestown turnpike company additional time for the commencement of their road.

On motion of Mr. MASSEY,

Resolved, That the committee for courts of justice enquire into the expediency of authorizing a special term of the county court of Clarke county for the month of June annually, for the purpose of making the county levy.

On motion of Mr. BYRNE of Braxton, the following resolutions were severally agreed to:

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of amending the 17th section of an act passed 1st April 1831; also the 3d section of an act amendatory thereto, passed 13th March 1836, entitled "an act concerning delinquent lands," &c.

Resolved, That the committee for courts of justice enquire into the expediency of amending an act passed 1819, for regulating conveyances and concerning wrongful alienations, &c.

Resolved, That the committee of propositions and grievances be instructed to enquire into the expediency of passing some law for the settlement of the county line between the counties of Braxton and Nicholas.

Resolved, That the committee of propositions and grievances enquire into the expediency of amending an act concerning the lands of Henry C. Moore in the county of Randolph, passed April 13, 1848.

Resolved, That the committee of propositions and grievances enquire into the expediency of changing the place of holding the election in the town of Glenville, from the house of William H. Ball to the courthouse in said town.

Mr. MARTZ presented the petition of citizens of the town of Bridgewater in the county of Rockingham, praying to be exempt from working on the public highways.

Mr. PITTS, a petition of citizens of the counties of Brooke and Ohio, for the incorporation of a company to construct a turnpike road from the mouth of Short creek to intersect the Wheeling, West Liberty and Bethany turnpike.

Ordered, That the said petitions be referred to the committee of roads and internal navigation.

Mr. DORMAN presented a petition of the trustees of the town of Lexington, praying that the power may be given them to grant or not grant licenses for bowling alleys in said town.

Mr. JONES, a petition of Stephen Duval, asking for the remission of certain taxes.

Ordered, That the said petitions be referred to the committee of finance.

Mr. TANZEY presented a petition of citizens of the county of Monongalia, praying that William Caruthers of said county may be released from a fine imposed on him by the circuit superior court of said county, which was ordered to be referred to the committee of claims.

No. 96. A bill imposing taxes for the support of government, was taken up, read the second time and amended on motions severally made.

The said bill contained the following clause :

"On gold or silver *plate*, whether in use or not, other than plate kept in a shop or manufactory for sale, one and one half per centum on the value thereof."

A motion was made by Mr. SHEFFEY to amend the said clause by inserting after the word "*plate*," the words "*over the value of fifty dollars*;" and the question being put thereupon was determined in the affirmative. Ayes 75, noes 41.

On motion of Mr. FUGATE, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Finney, Nock, Hart, Watson, Smith, Sheffey, M'Cue, Mitchell, Burwell, Boak, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, Maclin of Brunswick, Harrison of Brunswick, Kyle, Wills, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Vaughan, Segar, Clarke, Thomas, Rector, Stillman, Clopton, Price, Maclin of Greenesville, Darracott, Welton, Bassel, Boykin, Howard of James City, York and Williamsburg, Worthington, Laidley, Wallace, Tomlin, Webb, Lane of Lee, White, Harris, Newman, Shepard, Coleman, Whittle, Gustin, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Booth, Pitts, Pannill, Hiner, Syme, Townes, Grasty, Fairfax, Rives, Goff, Mayo, Cook, Dorman, Thompson of Smyth, Hargrave, Nicholson, Burdett, Massey, Harvey and Collins—75.

NOES—Messrs. Layne of Alleghany, Powell, Cheatham, Byrd, Irvine of Campbell, Moncure of Caroline, Howard of Floyd, Claiborne, Edwards, Sydnor, Baily, Carroll, Major, Stovall, Allen, Hiatt, Mullins, Houser, Ferguson, Arnett, M'Donald, Clendenin, Tanzey, Beirne of Monroe, Barnett, Buswell, Turner, Cackley, Herbert, Wootton, Harrison of Prince William, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Griffin, George and Boyers—41.

The said bill was further amended on motion of Mr. LACY, and a further amendment was submitted by Mr. DORMAN, which being under consideration, on his motion, the bill as amended was ordered to be laid upon the table.

On motion of Mr. SYME, the resolution submitted by him on yesterday on the subject of abolishing slavery or the slave trade in the District of Columbia, and for other purposes, was taken up and ordered to be referred to the joint committee on the Wilmot proviso and other kindred measures.

Mr. COWPER presented a petition of Samuel Watts and other citizens of the town of Portsmouth, for the incorporation of a company for manufacturing cotton in said town, which was ordered to be referred to the committee on agriculture and manufactures.

Mr. WILLS presented a petition of citizens of the counties of Camp-

bell, Charlotte and Halifax, asking that such citizens of those counties as may enrol themselves in the volunteer artillery company at Brookneal in Campbell county, may be exempted from militia duty, which was ordered to be referred to the committee on the militia laws.

Mr. WHITE presented a petition of citizens of the county of Loudoun for the establishment of a separate election at Goresville in said county, which was ordered to be referred to the committee of propositions and grievances.

Mr. WHITTLE presented a document to sustain the petition of citizens of the town of Fincastle, relative to the female school in said town, which was ordered to be referred to the committee of schools and colleges.

On motion of Mr. ROBINSON, the house adjourned until to-morrow 12 o'clock.

THURSDAY, JANUARY 11, 1849.

Prayer by the Reverend GEORGE WOODBRIDGE of the Episcopal church.

The SPEAKER laid before the house a communication from John M. Patton and Conway Robinson, Esqs., transmitting a further report of their revision of the Civil Code, which on motion of Mr. STOVALL, was ordered to be referred to the joint committee on the revision of the Civil Code.

On motion of Mr. MONCURE of Stafford,

Resolved, That the public printer be directed to deliver to each of the members of the present general assembly a copy of the report of Messrs. Patton and Robinson this day transmitted to this house.

Mr. CLAIBORNE, from the committee for courts of justice, presented a report on the resolution for authorizing a special term of the county court of Clarke for the month of June annually, for the purpose of making the county levy; and the following bills:

No. 127. A bill divorcing Henry Biddle from his wife Delana.

No. 128. A bill changing the time of holding the county courts of Wetzel; and

No. 129. A bill authorizing Nicholas Cleary to sell the slave of his infant son Thomas Reilly Cleary.

Mr. WHITTLE, from the committee of schools and colleges, presented reports upon the resolutions to provide for paying Joshua King of Bath county for the tuition of poor children; and for making an appropriation to Rector college.

Mr. JONES, from the committee of, propositions and grievances, presented the following bill:

No. 130. A bill to authorize the common council of Alexandria to subscribe to the stock of the Orange and Alexandria railroad company.

Mr. POWELL, from the committee of claims, presented a report upon the petition of John J. Stack; and the following bill:

No. 131. A bill concerning Nathaniel Poindexter of the county of Halifax.

Mr. HERBERT, from the committee on agriculture and manufactures, presented the following bill:

No. 132. A bill to incorporate the Swift creek manufacturing company in the county of Chesterfield, and for other purposes.

On motion of Mr. LAYNE of Alleghany,

Resolved, That the committee on banks enquire into the expediency of repealing the acts passed establishing independent banks at Charleston (Kanawha) and Martinsburg (Berkeley), and in lieu thereof establishing a bank to be called the Central Bank of Virginia; the mother bank to be located at Staunton, with branches at Charleston, Martinsburg, Weston, and such other points as may be deemed proper.

On motion of Mr. PANNILL,

Resolved, That the committee for courts of justice enquire into the expediency of reporting a bill authorizing the division of the estate of Thomas Robertson, deceased, of the county of Orange, and for other purposes.

On motion of Mr. PAXTON,

Resolved, That a communication made to this house at the session of 1841-2, by C. Crozet, Esq., state engineer, in reference to the following resolution, adopted on motion of Mr. Toler, to wit:

"*Resolved*, That the principal engineer of the commonwealth be requested to communicate to this house his opinions on the following points: First, as to the most eligible route to be adopted for a road from James river to the Tennessee line; secondly, at what point the said road should unite with the James river and Kanawha canal; thirdly, whether the improvement should be a M'Adamized or a railroad; fourthly, what will be the probable cost of each mode of improvement; and fifthly, what will be the estimated price of transportation on the same per ton per mile?" be printed for the use of this house. [Doc. No. 45.]

On motion of Mr. WOOD,

Resolved, That the committee of propositions and grievances enquire into the expediency of passing an act to amend the charter of the town of Winchester.

On motion of Mr. SHEPARD,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of reporting a bill having for its object the appointment of a trustee, residing in the state of Florida, who shall be authorized to receive from Thomas W. Fauntleroy, surviving executor of the will of Thomas Fauntleroy deceased, the estate now held by him for the use and benefit of Judith T., wife of R. C. Caldwell, now living in the town of Pensacola in the said state, and remove the same to the place of their residence.

On motion of Mr. PAXTON,

Resolved, That the Lynchburg and Tennessee railroad company be requested to furnish to the legislature the proceedings of the said company, and a list of the subscribers to the stock of the said company, with the number of shares subscribed by each stockholder and the amount paid thereon, and such provisos or conditions (if any) as may be attached to each subscription of stock.

On motion of Mr. BURDETT,

Resolved, That the governor of this commonwealth be requested to communicate to this house the proceedings of the council in reference to the late recommendations of the county court of Taylor, proposing an increase of the number of justices for said county.

On motion of Mr. GEORGE,

Resolved, That the committee for courts of justice enquire into the expediency of taking from the county courts of this commonwealth the power of authorizing slaves emancipated by their owners to remain in the county.

On motion of Mr. STOVALL, the report of the committee of finance upon the petition of Cyrus A. Larue and others, of the county of Greenbrier, was taken up and ordered to be committed to the same committee.

Mr. HIETT presented two petitions of citizens of the county of Hampshire, for the incorporation of a company to construct a turnpike from some point on the Northwestern turnpike to some point on the Baltimore and Ohio railroad, at or near the Pawpaw tunnel.

Mr. DECAMPS, a petition of citizens of the counties of Brooke and Hancock, for the incorporation of a company to construct a railroad from the Pennsylvania state line, through Holiday's cove to the Ohio river.

On motion of Mr. BARNETT, leave was granted to withdraw the petition of citizens of the county of Montgomery, presented at the last session of the general assembly, asking for an appropriation to construct a road from Patrick courthouse, *via* Floyd courthouse, to Christiansburg; thereupon he again presented the same.

Ordered, That the said petitions be referred to the committee of roads and internal navigation.

Mr. CONWAY presented a petition of W. W. Jones, asking to be compensated for the loss of a slave killed by a convict in the penitentiary, which was ordered to be referred to the committee of claims.

Mr. PITTS presented a petition of citizens of the City of Wheeling, for the passage of an act to authorize the council of said city to subscribe for stock in certain railroad companies, which was ordered to be referred to the committee of propositions and grievances.

On motion of Mr. SHEFFEY, leave was granted to withdraw the petition of John Preston, presented to the general assembly in the year 1846.

On motion of Mr. MAYO, leave was granted to the citizens of Richmond and Petersburg to withdraw their petitions relative to the fees of pilots, presented at the session of the legislature before the last.

Mr. M'CUE presented a petition of John D. Imboden, superintendent of schools for the county of Augusta, asking the passage of an act to legalize the payment by him of the sum of four hundred dollars to the Staunton academy in 1846, which was ordered to be referred to the committee of schools and colleges.

Mr. PITTS, from the joint committee upon the subject of slavery in the territories of the United States and the District of Columbia, and the Wilmot proviso and kindred measures, presented a report, which

was taken up and read, and the first resolution being under consideration,

On motion of Mr. THOMAS, the house adjourned until to-morrow 12 o'clock.

FRIDAY, JANUARY 12, 1849.

Prayer by the Rev. ADAM EMPIE of the Episcopal church.

A communication was received from the senate by their clerk, which was read as follows :

IN SENATE, JANUARY 9, 1849.

The senate have passed the bills, entitled

"An act authorizing a separate election at the house of Charles C. See in the county of Randolph." (No. 9.)

"An act authorizing a separate election at the house of Thomas F. Hatcher in the county of Franklin." (No. 25.)

"An act to authorize Edward T. Tayloe of King George county to charge wharfage at his wharf on the Rappahannock river." (No. 40.)

"An act to repeal so much of the act, entitled 'an act prescribing the mode of electing trustees for the town of Darkesville in the county of Berkeley, and vesting them with certain corporate powers, and of electing trustees of the town of Romney in the county of Hampshire,' as concerns the said town of Darkesville," (No. 10;) and

"An act to amend the act, entitled 'an act to amend the act establishing the town of Grandville in the county of Monongalia.'" (No. 71.)

They have also passed the bill, entitled

"An act authorizing a separate election at the house of Charles Zinn in the county of Barbour," with amendments, in which they request the concurrence of the house of delegates.

The said amendments being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

The SPEAKER laid before the house a communication from the president of the Richmond and Petersburg railroad company, in answer to a communication addressed to the Board of public works by Nathaniel M. Martin, Esq. in relation to the affairs of said railroad company; which, on motion of Mr. LANCASTER, was ordered to be laid upon the table and be printed. [Doc. No. 10.]

Mr. FERGUSON, from the committee for courts of justice, presented reports upon resolutions for taking from the courts of the commonwealth the power of authorizing slaves emancipated to remain in the county; for changing the law regulating the courts of this commonwealth to empower the clerks to issue subpoenas for witnesses before the commencement of the term of their courts; for allowing witnesses mileage for any distance travelled over ten miles; for repealing an act relating to commissioners of the revenue, passed March 16th, 1847, relative to the estate of Thomas W. Fauntleroy; for defining the manner of giving notice to parties living out of the county in which the

application is made to try the rights of property before a justice of the peace ; and the following bill :

No. 133. A bill to amend the act, entitled "an act to reduce into one the several acts concerning crimes and punishments and proceedings in criminal cases."

Mr. JONES, from the committee of propositions and grievances, presented the following bills :

No. 134. A bill for the incorporation of the Sharon cemetery company.

No. 135. A bill incorporating the Thomrose cemetery company at the town of Staunton.

No. 136. A bill to prohibit the taking of fish with seines or nets, by nonresidents, in the Great and Little Kanawha rivers, and their tributaries, or in the Ohio or its tributaries, within the jurisdiction of this state.

No. 137. A bill incorporating the town of Guyandotte in Cabell county ; and

No. 138. A bill appointing commissioners to select a site for the seat of justice for the county of Grayson, and for confirming or rejecting the same by the vote of the people.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bill :

No. 139. A bill to provide for the extension of the Moorfield and North Branch turnpike road.

Mr. FERGUSON reported with amendment the following bill :

No. 104. A bill to provide for the repair of the governor's house and furnishing the same.

Mr. FERGUSON submitted an amendment intended to be proposed by him to the bill imposing taxes for the support of government, which, on his motion, was ordered to be printed. [Bill No. 96.]

On motion of Mr. THOMPSON of Botetourt,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of repealing the 5th section of the act passed March 24th, 1843, entitled "an act authorizing the James river and Kanawha company to increase their tolls, and for other purposes."

On motion of Mr. ROBINSON,

Resolved, That the committee of roads and internal navigation enquire into the expediency of causing a survey to be forthwith made of the proposed tidewater connexion from Haxall's canal to a point on the James river near Mayo's bridge, with the view of ascertaining whether a cheaper connexion than that recommended by the report of Walter Gwynn, Esq. of September 30th, 1847, which proposes a connexion with the Richmond dock cannot be had, and that they also furnish a detailed statement of the survey made by order of the James river and Kanawha company in 1847, through the dock to tidewater.

On motion of Mr. BOOTH,

Resolved, That the public printer be required to furnish each member of the committee of revision and the clerk of said committee with two copies of the report last made by the revisors.

On motion of Mr. LAYNE of Alleghany,

Ordered, That 1500 copies be printed for the use of the general assembly of the petition of the James river and Kanawha company, for the state's guarantee of their bonds, with the accompanying documents; of the petition of citizens of the City of Richmond, for the connection between the dock and canal, and the memorial of citizens of the town of Lynchburg, relative to the same subject, and the connection of the canal with the south side of the river. [Doc. No. 29.]

Mr. LAIDLEY presented a petition of citizens of the county of Kanawha, praying that aid may be granted by the state to the James river and Kanawha company, to improve the navigation of the Kanawha river, which was ordered to be referred to the committee of roads and internal navigation.

On motion of Mr. LAIDLEY,

Ordered, That 1500 copies of the said petition be printed for the use of the general assembly. [Doc. No. 46.]

Mr. WATSON presented a petition of a convention of the people of Albemarle, for the passage of an act establishing free schools in that county, which was ordered to be referred to the committee of schools and colleges.

Mr. NEWMAN presented a petition of citizens of the county of Madison, asking aid from the state to construct a road across the Blue Ridge, near the head waters of the Robinson river, which was ordered to be referred to the committee of roads and internal navigation.

Mr. SIBERT presented a petition of citizens of the town of Newmarket and its vicinity, praying the passage of an act to incorporate the Shenandale college, to be erected in said town, which was ordered to be referred to the committee of schools and colleges.

On motion of Mr. PERROW, leave was given to withdraw the petition of John Miller, asking compensation for the tuition of poor children in the county of Nelson, presented in the year 1846; thereupon, he again presented the same, and it was ordered to be referred to the committee of schools and colleges.

Mr. HART presented a petition of citizens of the county of Albemarle, praying for the establishment of a branch bank in the town of Scottsville, which was ordered to be referred to the committee on banks.

The report of the joint committee on the Wilmot proviso and other kindred subjects, which was under consideration when the house adjourned on yesterday, was again taken up; thereupon a substitute for the said resolutions was submitted by Mr. SYME, and the same being under consideration,

On motion of Mr. PITTS, the house adjourned until to-morrow 12 o'clock.

SATURDAY, JANUARY 13, 1849.

Prayer by the Reverend JOHN JOHNS of the Episcopal church.

A communication was received from the senate by their clerk, which was read as follows :

IN SENATE, JANUARY 10, 1849.

The senate have passed the bills, entitled

"An act to change the place of holding a separate election in the county of Fairfax." (No. 7.)

"An act authorizing a separate election at the house of John Hemlick in the county of Lewis." (No. 8.)

"An act changing the time of holding the county court of the county of Braxton." (No. 12.)

"An act to amend the act, entitled 'an act to limit the assessment upon titheables, and to authorize a tax upon property, for the purpose of defraying county expenditures within the county of Berkeley,' passed March 5th, 1835." (No. 16.)

"An act to change the place of holding a separate election in the county of Fairfax." (No. 21.)

"An act authorizing a separate election at the house of John Coe, in the town of Palestine in the county of Wirt." (No. 23.)

"An act directing the governor to present a sword to Francis Otway Byrd." (No. 49.)

"An act to authorize a separate election at Jacobs' schoolhouse in the county of Shenandoah." (No. 50.)

"An act changing the time of holding the county court of Alexandria county." (No. 69.)

"An act authorizing a separate election at the house of Lewis Hatcher in the county of Mercer." (No. 73.)

"An act authorizing a separate election at Boston postoffice in the county of Culpeper," (No. 75;) and

"An act to incorporate the Red Oak academy of Brunswick county." (No. 85.)

Mr. CLAIBORNE, from the committee for courts of justice, presented a report upon the resolution for defining by law specifically the punishment of wilful trespasses; and the following bills:

No. 140. A bill extending the time that clerks may execute deeds to purchasers of land sold for nonpayment of taxes.

No. 141. A bill to punish frauds upon the elective franchise.

No. 142. A bill to amend an act, entitled "an act providing for the collection of claims against the owners of steamboats and other craft navigating the Ohio river and its tributaries, within this commonwealth," passed March 4th, 1846.

No. 143. A bill to amend the act, entitled "an act to amend an act, entitled 'an act to amend and explain the laws concerning western land titles, and for other purposes.'"

No. 144. A bill for the better protection of religious assemblies; and

No. 145. A bill for the relief of John De Sellem.

Mr. JONES, from the committee of propositions and grievances, presented the following bills:

No. 146. A bill incorporating the German Hebrew Society Ahabath Israel in Richmond.

No. 147. A bill to authorize a separate election at M'Clung's mill in the county of Highland; and

No. 148. A bill to authorize a separate election at the Crab Bottom in the county of Highland.

Mr. HERBERT, from the committee on agriculture and manufactures, reported with amendment the following bill:

No. 4. A bill incorporating the Virginia Cannel coal company.

And presented the following bills:

No. 149. A bill incorporating the Portsmouth manufactory.

No. 150. A bill incorporating the American insurance company of Norfolk.

No. 151. A bill to renew the charter of the Falls and Winterpoc manufacturing companies.

No. 152. A bill providing more effectually for the protection of sheep in the county of Wythe; and

No. 153. A bill incorporating the Gas light company of Norfolk.

On motion of Mr. ARNETT,

Resolved, That the committee of roads and internal navigation enquire into the expediency of reviving an act, entitled "an act incorporating the Morgantown and Clarksburg turnpike company," passed March 30, 1839, and of so amending the same as to authorize the said company to construct their road from Morgantown *via* Palatine and Boothsville to Bridgeport on the Northwestern turnpike road about five miles east of Clarksburg; and that the capital of the said company be reduced to ten thousand dollars.

On motion of Mr. ALLEN,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of passing a law authorizing the clerks of the several county courts of this commonwealth to administer all necessary oaths to persons applying for marriage licenses.

On motion of Mr. MOORE,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of reporting a bill subjecting the citizens of this commonwealth, or persons residing for the time being in this state, who either directly or indirectly interfere with the institution of slavery in any manner to promote disaffection, and thereby endanger the peace and harmony of the citizens of this community, and deserving of public reprobation as disturbers of the peace, and upon conviction of such interference shall be liable to presentment and punishment under the provisions of the 40th section of chapter 10th of the Criminal Code of this state.

On motion of Mr. WOOD,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of reviving or extending the charter of the Alexandria and Harper's Ferry railroad company.

On motion of Mr. WORTHINGTON,

Ordered, That leave be given to report a bill giving corporate powers to a company to be styled the Western telegraph company; and that Messrs. Worthington, Faulkner, Gustin, Hiatt, Welton, Bassel and Pitts prepare and bring in the same.

Mr. HART presented a petition of citizens of the counties of Albemarle and Nelson, asking for the establishment of a branch bank at the town of Scottsville, which was ordered to be referred to the committee on banks.

Mr. THOMPSON of Botetourt presented a petition of citizens of the county of Botetourt, asking the location of a bank in the town of Fincastle; which, on his motion, was ordered to be laid upon the table.

Mr. GUERRANT presented a petition of citizens of the county of Goochland and the adjoining counties, for the connection of the James river and Kanawha canal with tidewater.

Mr. BURDETT presented a petition of citizens of the town of West Milford, in the county of Harrison, asking a change in the act incorporating the Weston and Fairmont turnpike company, so as to make the said town a point in the location of said road.

Mr. GUSTIN, a petition of citizens of the county of Morgan, for the incorporation of a company to construct a turnpike road from a point on the Northwestern turnpike road to some point on the Baltimore and Ohio railroad at or near the Pawpaw tunnel in said county.

Mr. ARNETT, a petition of citizens of the county of Marion, for a subscription on the part of the state for three fifths of the stock in the Monongalia navigation company.

Ordered, That the said petitions be referred to the committee of roads and internal navigation.

Mr. MARTZ presented a petition of the officers of the 116th regiment of militia, praying the passage of an act to authorize them to drill within the limits of said regiment, which was ordered to be referred to the committee on the militia laws.

Mr. NEWMAN presented a petition of Richard Earley, praying that the sum of twelve dollars and twenty cents may be paid to Earley N. Taylor or his agent, for tuition of poor children in the county of Madison, for the year 1847.

Mr. SCOTT, a petition of the executors of Josiah Tidball, deceased, praying that certain money paid by their testator into the public treasury may be refunded them.

Ordered, That said petitions be referred to the committee of claims.

Mr. BYRNE of Braxton presented a petition of citizens of the county of Lewis, for the establishment of a separate election at the house of Samuel W. Davis in the said county.

Mr. CONWAY, a petition of citizens in the vicinity of the town of Fredericksburg, asking an extension of the corporate limits of said town.

Ordered, That said petitions be referred to the committee of propositions and grievances.

On motion of Mr. TOMLIN, leave was granted to withdraw the petition of Olympia Blood, asking for a divorce, presented at the last session of the general assembly.

Mr. TOMLIN presented a petition of George Edwards of the county of King William, praying that the names of Fleming Blood and Friendless Blood, may be changed to Fleming Meredith and Friendless Meredith.

Also a document to sustain the said last petition.

Mr. ROBINSON presented a petition of Edwin Walke, praying the passage of an act to preclude and rescind all right of dowry of his wife in his property on account of her elopement from him.

Ordered, That the said petitions and document be referred to the committee for courts of justice.

The report of the joint committee on the Wilmot proviso and other kindred subjects, which was under consideration when the house adjourned on yesterday, together with the amendment thereto proposed by Mr. SYME, was taken up, and the same being under discussion,

On motion of Mr. SEGAR, the house adjourned until Monday, 12 o'clock.

MONDAY, JANUARY 15, 1849.

Prayer by the Reverend MOSES D. HOGE of the Presbyterian church.

The following communications from the senate, by their clerk, were read :

IN SENATE, JANUARY 11, 1849.

The senate have passed the bills, entitled

"An act incorporating the Piney run iron factory." (No. 31.)

"An act in relation to the school quota of the county of Alexandria," (No. 78;) and

"An act allowing the commissioners of the revenue for the county of Loudoun compensation for listing dogs." (No. 89.)

They have also passed the bill, entitled

"An act authorizing the sale of the real estate of Roger Atkinson of the county of Halifax," (No. 45,) with an amendment, in which they request the concurrence of the house of delegates.

IN SENATE, JANUARY 12, 1849.

The senate have passed the bills, entitled

"An act authorizing a separate election at the New schoolhouse in the county of Pendleton." (No. 24.)

"An act to authorize the Maryland and Virginia steam packet company to hold a limited amount of real estate." (No. 30.)

"An act authorizing the clerk of the county court of Fairfax to convey to John Powell a certain lot of land." (No. 44.)

"An act making an appropriation to the Virginia military institute for the support and education of additional cadets." (No. 56.)

"An act releasing the commonwealth's right to a certain tract of land therein mentioned, to Frederick Moore," (No. 62;) and

"An act concerning the free school system in the county of Henry." (No. 68.)

They have also passed the bill, entitled

"An act concerning special courts of appeals," (No. 65,) with amendments, in which they request the concurrence of the house of delegates.

The said amendments to each bill amended, being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

The SPEAKER laid before the house a communication from the governor, transmitting the information called for by a resolution of the house, of the 11th instant, relative to the advice of council upon the recommendation of justices of the peace for the county of Taylor, which being read, was, on motion of Mr. STOVALL, ordered to be laid upon the table.

Mr. CLAIBORNE, from the committee for courts of justice, presented reports upon resolutions for amending the 48th section of the act passed 16th April 1831; for amending the law in relation to the county courts, so as to dispense with the holding of the monthly terms thereof; for amending the act allowing the taking of depositions in cases where the witnesses reside more than 100 miles from the place where they are to testify; for authorizing owners of coterminous lands to enter upon such land for the construction of drains; for amending the charter of the City of Richmond, to authorize the council of the city to prohibit the erection of wooden buildings; and upon the petition of Isaac Womeldorf and others; and the following bills:

No. 154. A bill for the relief of Clara Robinson; and

No. 155. A bill divorcing James B. Harrison from his wife Sarah C. Harrison, and for other purposes.

Mr. JONES, from the committee of propositions and grievances, presented the following bills:

No. 156. A bill concerning the town of Martinsburg in the county of Berkeley; and

No. 157. A bill establishing the county of _____ out of the northern end of the county of Accomack.

Mr. TOWNES, from the committee of roads and internal navigation, presented the following bills:

No. 158. A bill making an appropriation for bridges on the Staunton and Parkersburg road.

No. 159. A bill to enable the James river and Kanawha company to improve the Great Kanawha river for steamboat navigation, from the Great falls thereof to the Ohio river, and for other purposes; and

No. 160. A bill to provide for the Southside and Rivanna connections.

On motion of Mr. HARGRAVE,

Resolved, That the joint order of the day for the election of a brigadier general for the eighth brigade, be postponed until Saturday the 27th instant.

Ordered, That Mr. HARGRAVE carry the same to the senate and request their concurrence.

On motion of Mr. BURDETT,

Ordered, That the committee of roads and internal navigation be discharged from the consideration of the petition of citizens of the town of West Milford in the county of Harrison, and that the same be referred to the Board of public works.

On motion of Mr. BURDETT,

Resolved, That the committee of claims be instructed to enquire into the expediency of paying Peter Adams a militia claim of one hundred and twenty dollars.

On motion of Mr. THOMAS,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of providing by law that the depositions of witnesses may be taken, upon notice to counsel, where either of the parties reside beyond the limits of the commonwealth.

A motion was made by Mr. CLENDENIN that the house adopt the following resolution :

Resolved, That when this house adjourns to-day, it will adjourn to meet on each succeeding day at ten o'clock, until Saturday the 20th of the present month.

And the question being put thereupon, was determined in the negative.

On motion of Mr. BEIRNE of Monroe,

Resolved, That so much of the last annual report of the superintendent of the penitentiary as relates to the terms of imprisonment of convicts in said institution, be referred to the committee for courts of justice, and said committee be instructed to enquire into the expediency of making such amendments to the criminal laws as are recommended in said report.

On motion of Mr. FAIRFAX,

Resolved, That the committee of roads and internal navigation enquire into the expediency of amending the law authorizing the construction of the Kingwood and West Union turnpike road in the county of Preston, so as to require the Board of public works to subscribe one half of the amount required by said law for them to subscribe, when a like proportion shall have been subscribed by individuals and the county courts of Preston and Monongalia, agreeably to the requirements of said law.

On motion of Mr. SHEFFEY,

Ordered, That the petition of citizens of the county of Marion, asking for the improvement of the navigation of the Monongahela river, be printed for the use of the general assembly. [Doc. No. 47.]

A message was received from the senate by Mr. ISBEL, who informed the house that the senate concurred in the resolution for postponing the execution of the joint order of the day for the election of a brigadier general for the eighth brigade.

Mr. BOYERS presented a petition of citizens of the county of Tyler, asking for an appropriation for the completion of the Sistersville and Salem road.

Mr. SHEFFEY, a petition of citizens of the county of Bath, for the extension of the Louisa railroad, the tunneling of the Blue Ridge, and the construction of the Covington and Ohio railroad.

Mr. DE CAMPS, a petition of citizens of the counties of Brooke and Hancock, for the incorporation of a company to construct a railroad from the Pennsylvania line, through Holliday's Cove to the Ohio river.

Ordered, That the said petitions be referred to the committee of roads and internal navigation.

Mr. LANCASTER presented a petition of Edward C. Mayo, asking amendments to the acts regulating the tolls at his bridge across James river.

Mr. JONES, a petition of Holden Rhodes and others, praying for sundry amendments to the act incorporating the Manchester bridge company.

Mr. FAIRFAX, a petition of citizens of the county of Preston, for the establishment of a separate election at the house of Jacob Gusemans in said county.

Ordered, That said petitions be referred to the committee of propositions and grievances.

Mr. DE CAMPS presented a petition of citizens of the county of Brooke, for the passage of an act to authorize the county court of said county to borrow money on the faith of their county to erect a courthouse therein, which was ordered to be referred to the committee for courts of justice.

Mr. JONES presented a petition of the Creek company of colliers, praying for the reassessment of the lands of said company, which was ordered to be referred to the committee of finance.

The report of the joint committee on the Wilmot proviso and other kindred subjects, together with the amendment thereto proposed by Mr. SYME, which were under consideration when the house adjourned on Saturday, were taken up; and the same being under discussion,

On motion of Mr. FERGUSON, the house adjourned until to-morrow 12 o'clock.

TUESDAY, JANUARY 16, 1849.

Prayer by the Rev. THOMAS V. MOORE of the Presbyterian church. A communication from the senate, by their clerk, was read as follows:

IN SENATE, JANUARY 13, 1849.

The senate have passed the bills, entitled

"An act to incorporate the Alexandria marine railway company." (No. 27.)

"An act to authorize the mayor and common council of the town of Fredericksburg to subscribe for stock in the Fredericksburg and Blue Ridge railroad company." (No. 29.)

"An act to authorize a separate election at the house of Apollo Stephens in the county of Mason." (No. 38.)

"An act providing for the purchase of furniture for the Eastern and Western asylums, and for other purposes." (No. 46.)

"An act to authorize a separate election at the house of Dicy Barrett in the county of Cabell," (No. 51;) and

"An act to declare Point Pleasant creek and Elk fork, in Tyler county, public highways." (No. 82.)

And they have agreed to the resolution providing for the distribution of a portion of the maps and outline of the improvements of the state, with amendments, in which they request the concurrence of the house of delegates.

The said amendments being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

Mr. WORTHINGTON, from the committee for courts of justice, presented reports upon the resolution for subjecting citizens of this commonwealth to punishment for interfering with the institution of slavery; and upon the petitions of Edwin Walke and of George Edwards.

Mr. WHITTLE, from the committee of schools and colleges, presented the following bill:

No. 161. A bill concerning district public schools in the county of Ohio.

Mr. POWELL, from the committee of claims, presented a report upon the resolution relative to John C. Rogers.

Mr. STOVALL, from the committee of finance, presented a report upon the petition of Stephen Duval; and the following bills:

No. 162. A bill increasing the salary of the first clerk of the treasurer's office; and

No. 163. A bill ratifying and confirming the sale of a portion of the capitol square, by the governor, to B. B. Minor.

Mr. HERBERT, from the committee on agriculture and manufactures, presented the following bills:

No. 164. A bill to incorporate the Spring Hill company; and

No. 165. A bill authorizing the county court of Wythe to increase the reward for killing wolves within said county.

Mr. WORTHINGTON, according to order, presented the following bill:

No. 166. A bill incorporating the Western telegraph company; which, on his motion, was taken up, read the first, and the rule of the house having been suspended, the second time, and ordered to be engrossed and read a third time.

On motion of Mr. COWPER,

Resolved, That a select committee be appointed to examine all the official, historical and other evidence in relation to the defence of Craney island in this state, when attacked on the 22d day of June 1813, by the British forces; to designate such of the officers and men as distinguished themselves in that engagement by their skill and gallantry; and to consider of the expediency and propriety of awarding to them some testimonial of the gratitude and thanks of the commonwealth.

And a committee was appointed of Messrs. Cowper, Butt, Lacy, Faulkner and Clendenin.

On motion of Mr. M'CLUNG,

Resolved, That the committee on the militia laws enquire into the expediency of creating an additional company of light infantry within the bounds of the one hundred and forty-second regiment.

On motion of Mr. MAYO,

Resolved, That the committee on finance be instructed to enquire into the expediency of making to C. Crozet additional compensation for the map of the state prepared by him under a resolution of the general assembly, adopted the 15th March 1848.

On motion of Mr. SCOTT,

Resolved, That the committee of propositions and grievances be instructed to enquire into the expediency of incorporating the South-western and Atlantic telegraph company.

On motion of Mr. DARRACOTT,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of incorporating a company to improve the navigation of the Pamunkey river on their individual account.

Mr. LAIDLEY presented a petition of citizens of the county of Mason, praying aid from the state to the James river and Kanawha company for improving the navigation of the Kanawha river, which was ordered to be referred to the committee of roads and internal navigation.

On motion of Mr. LAIDLEY,

Ordered, That 1500 copies of the said petition be printed for the use of the general assembly. [Doc. No. 46.]

Mr. THOMPSON of Botetourt presented a petition of James Shanks, asking for a change of the dividing lines between the counties of Botetourt, Alleghany and Monroe.

Mr. SMITH, a petition of Charles A. Alexander and others, citizens of the county of Alexandria, for the passage of an act authorizing the common council of the City of Alexandria to subscribe to the Orange and Alexandria railroad company.

Mr. PITTS, a petition of the stockholders of the Wheeling and Belmont bridge company, proposing amendments to the charter of said company.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

Mr. SMITH also presented a petition of John Tatsapaugh, praying the payment of an account for goods furnished volunteers for Mexico, which was ordered to be referred to the committee of claims.

No. 104. A bill to provide for the repair of the governor's house and furnishing the same, with the amendment thereto proposed by the committee to which the same had been committed, was taken up on motion of Mr. MAYO, and the said amendment was agreed to; and the question being put upon engrossing the bill as amended, was determined in the affirmative. Ayes 69, noes 54.

On motion of Mr. RIVES, the vote thereupon was recorded as follows:

AYES—Messrs. Hart, Watson, Smith, Sheffey, M'Cue, Mitchell, Burwell, Faulkner, Boak, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, De Camps, Kyle, Wills, Lacy, Barbours, Irving of Cumberland, Thomas, Scott,

M'Clung, Stillman, Claiborne, Wood, Clopton, Price, Stovall, Allen, Darra-cott, Welton, Boykin, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Wallace, Tomlin, Ferguson, White, Harrison of Loudoun, Shepard, Clendenin, Whittle, Beirne of Monroe, Barnett, Gustin, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Booth, Pitts, Turner, Syme, Townes, Grasty, Cackley, Fairfax, Herbert, Goff, Mayo, Cook, Thompson of Smyth, Moncure of Stafford, Burdett, Goodson, Harvey and Boyd—69.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Boisseau, Powell, Cheatham, Byrd, Maclin of Brunswick, Harrison of Brunswick, Moore, Moncure of Caroline, Cardwell, Jones, Vaughan, Clarke, Rector, Howard of Floyd, Edwards, Sydnor, Baily, Guerrant, Carroll, Maclin of Greenvsille, Major, Bassel, Mullins, Houser, Webb, Lane of Lee, Harris, Newman, Arnett, M'Donald, Coleman, Tanzey, Basye, Buswell, Hiner, Wootton, Rives, Harrison of Prince William, Martz, Harper, Aston, Fugate, Pitman, Sibert, Griffin, Hargrave, Nicholson, George, Boyers, Massey and Collins—54.

The report of the joint committee upon the Wilmot proviso and other kindred subjects, together with the amendment thereto proposed by Mr. SYME, which were under discussion when the house adjourned on yesterday, were taken up; and the same being under consideration,

On motion of Mr. SMITH, the house adjourned until to-morrow 12 o'clock.

WEDNESDAY, JANUARY 17, 1849.

Prayer by the Rev. MOSES D. HOGUE of the Presbyterian church.

The SPEAKER laid before the house a communication from the governor, enclosing the resignation of Alexander Brown, brigadier general of the third brigade and second division of the Virginia militia, which was read, and on motion of Mr. COOK, ordered to be laid upon the table.

Mr. FERGUSON, from the committee for courts of justice, presented the following bills:

No. 167. A bill making persons jointly indicted competent witnesses for or against each other.

No. 168. A bill concerning constables' fees.

No. 169. A bill allowing additional compensation to the clerk of the superior court of chancery held in Richmond; and

No. 170. A bill authorizing clerks to administer oaths when called upon to perform any official act.

Mr. JONES, from the committee of propositions and grievances, presented reports upon resolutions for repealing the act relative to the formation of new counties; for changing the place of holding a separate election in Putnam county; and upon petitions of John and Lewis W. Wimbish, and of citizens of the county of Pittsylvania, for a separate election at Chesnut grove in said county; and the following bills:

No. 171. A bill to amend the charter of the town of Winchester in the county of Frederick.

No. 172. A bill declaring as exempt from taxation under the special road laws of Rockbridge county, the officers, contractors and labourers on the James river and Kanawha company's line of improvement.

No. 173. A bill to amend the act, entitled "an act concerning oysters and terrapins, and the penalties in regard to them," so far as Norfolk county is concerned.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bills:

No. 174. A bill for the prevention of depredation by boatmen navigating the James river and Kanawha company's line of improvements.

No. 175. A bill concerning the proxies of the James river and Kanawha company.

No. 176. A bill authorizing the state's guarantee to certain bonds of the James river and Kanawha company.

No. 177. A bill to complete the Sistersville and Salem turnpike road.

No. 178. A bill further to provide for constructing the road from the Richlands in Tazewell to the Kentucky line.

No. 179. A bill to incorporate the Moorfield and Alleghany turnpike company.

No. 180. A bill providing for the construction of a bridge across Powell's river on the Cumberland gap and Price's turnpike road; and

No. 181. A bill authorizing the proprietors of the road constructed by Brightberry Brown, of the county of Albemarle, under authority of an act passed the 3d January 1800, to change its location, and for other purposes.

On motion of Mr. ROBINSON,

Resolved, That the Board of public works be instructed to furnish the house of delegates with a communication addressed to them by James Lyons, Esq., on the subject of N. M. Martin's communication to said board.

On motion of Mr. ROBINSON,

Resolved, That the committee of propositions and grievances be instructed to enquire into the propriety of exempting from jury duty the members of the select and common councils of the City of Norfolk.

On motion of Mr. BYRNE of Braxton,

Resolved, That the committee of schools and colleges enquire into the expediency of reporting to this house bill No. 199 of the last session, loaning to the seminary at Weston in the county of Lewis the proceeds of the sales of forfeited and delinquent lands in said county.

On motion of Mr. CONWAY,

Resolved, That the committee on roads and internal navigation enquire into the expediency of authorizing the Board of public works to procure to be made out a series of county maps for the use of the several counties of this commonwealth.

On motion of Mr. COWPER,

Resolved, That the committee of propositions and grievances enquire into the propriety of amending an act passed 15th March 1836, entitled "an act to incorporate the Portsmouth and Chesapeake steam-boat company."

No. 104. An engrossed bill to provide for the repairs of the governor's house and the purchase of furniture therefor, was taken up on motion of Mr. FERGUSON; thereupon, on motion of Mr. BURDETT, the rule of the house was suspended, and the vote ordering said bill to be engrossed, was reconsidered; a motion was then made by Mr. HAMPER to amend the same, and on motion of Mr. HIETT, the bill and proposed amendment were ordered to be laid upon the table.

Mr. HART submitted the following resolution, which, on motion of Mr. ROBINSON, was ordered to be laid upon the table, viz:

Resolved, That a special committee be appointed, whose duty it shall be to enquire into the expediency of selling the governor's house, and report thereon.

Mr. COOK presented a petition of citizens of the county of Roanoke, praying that the Farmers Bank of Virginia or the Exchange Bank of Virginia may be authorized to establish a branch bank at the town of Salem.

Mr. HART, a petition of citizens of the county of Albemarle for the establishment of a branch bank at the town of Scottsville.

Ordered, That the said petitions be referred to the committee on banks.

On motion of Mr. TURNER, leave was given to withdraw the petition of citizens of the county of Patrick, presented at the present session, praying that a part of said county may be annexed to the county of Henry; thereupon, he again presented the same, with additional testimony; also, a petition of other citizens of the same county upon the same subject.

Mr. LAYNE of Alleghany presented a memorial of citizens of the county of Alleghany, remonstrating against the petition of James Shanks, praying that a portion of that county may be attached to the county of Botetourt.

Ordered, That said petitions be referred to the committee of propositions and grievances.

Mr. LAYNE of Alleghany also presented two petitions of other citizens of the county of Alleghany, asking an appropriation to construct a road from Shumate's tavern to a point near Huntersville in the county of Pocahontas; which was ordered to be referred to the committee of roads and internal navigation.

Mr. SHEFFEY presented a petition of Ferdinand S. Heiskill, asking to be divorced from his wife Huldah.

Also a petition of citizens of the county of Augusta, praying that the said Heiskill may be divorced.

Mr. HOUSER, a petition of Sarah D. Williams, praying to be divorced from her husband.

Ordered, That said petitions be referred to the committee for courts of justice.

Mr. STOVALL presented a petition of John Sydnor and others, asking to be authorized to form a company of cavalry in the 84th regiment of militia, which was ordered to be referred to the committee on the militia laws.

No. 137. A bill incorporating the town of Guyandotte in Cabell

county, was taken up on motion of Mr. MOORE, read the first, and the rule of the house having been suspended, the second time, and ordered to be engrossed and read a third time.

No. 58. An engrossed bill authorizing the banks to issue small notes, was taken up on motion of Mr. SYME; thereupon, the rule of the house was suspended, and the vote ordering said bill to be engrossed was reconsidered; the bill was then amended on his motion, and again ordered to be laid upon the table, on motion of Mr. CONWAY.

No. 166. An engrossed bill incorporating the Western telegraph company, was taken up on motion of Mr. WORTHINGTON, read a third time and passed.

Ordered, That Mr. WORTHINGTON carry the same to the senate and request their concurrence.

No. 114. A bill to amend the act, entitled "an act concerning the City of Norfolk," passed February 13th, 1845, was taken up on motion of Mr. ROBINSON, read the first time, and ordered to be read a second time.

On motion of Mr. ROBINSON,

Ordered, That said bill be printed for the use of the general assembly.

A message was received from the senate by Mr. SLOAN, who informed the house that the senate had passed the bill, entitled "an act incorporating the Western telegraph company."

The report of the joint committee on the Wilmot proviso and kindred subjects, with the amendment thereto proposed by Mr. SYME, which was under consideration when the house adjourned on yesterday, was taken up, and Mr. SYME, with the leave of the house, withdrew his said amendment; thereupon, Mr. THOMAS submitted an amendment to the said resolutions, which, on his motion, was ordered to be printed for the use of the general assembly. [Doc. No. 43.]

Mr. HARRISON of Loudoun then submitted an amendment intended to be offered by him hereafter, which, on his motion, was ordered to be printed in like manner. [Doc. No. 43.]

The amendment submitted by Mr. THOMAS being under discussion,

On motion of Mr. LACY, the house adjourned until to-morrow 12 o'clock.

THURSDAY, JANUARY 18, 1849.

Prayer by the Rev. THOMAS V. MOORE of the Presbyterian church.
A communication from the senate by their clerk, was read as follows:

IN SENATE, JANUARY 15, 1849.

The senate have passed the bills, entitled

"An act authorizing the payment of a certain sum of money to J. K. Pitzer, deputy for Elias Thomas, sheriff of Roanoke county."
(No. 13.)

"An act changing the time of holding the April term of the county court of Mason county." (No. 17.)

"An act to change the place of holding a separate election in the county of Tyler," (No. 22;) and

"An act to incorporate the Fredericksburg steamboat company." (No. 52.)

Mr. STROTHER, from the committee for courts of justice, presented reports upon the petitions of Susan C. Armstrong and others; and of William N. F. Hill; and the following bills:

No. 182. A bill authorizing the county court of Brooke county to rebuild the courthouse of said county, and for other purposes; and

No. 183. A bill to amend the act, entitled "an act to reduce into one the several acts for regulating ordinaries and houses of private entertainment, and for the restraint of tippling houses."

Mr. WHITTLE, from the committee of schools and colleges, presented a report upon the petition of John Miller; and the following bills:

No. 184. A bill to establish the Virginia armory school; and

No. 185. A bill incorporating the trustees of Reedy spring academy.

On motion of Mr. WHITTLE, the said committee was discharged from the consideration of so much of the governor's message as relates to the sale of the armory buildings, and the same was laid upon the table.

Mr. POWELL, from the committee of claims, presented a report upon the petition of the heirs of William Ivy and Thomas Snale.

Mr. CONWAY, from the committee on banks, presented the following bills:

No. 186. A bill to incorporate the Hardy county savings bank; and

No. 187. A bill prohibiting the allowance of grace on bills of exchange and drafts payable at sight.

And a report upon the resolution for establishing an independent bank at Staunton, with branches at Charleston and other places.

On motion of Mr. CONWAY, the said report was taken up and ordered to be committed to the same committee.

On motion of Mr. SYME,

Resolved, That the committee on trade and mechanic arts enquire into the expediency of so amending the mechanics' lien law, passed February 21st, 1843, as to give machinists and workers in iron the same lien as is now given to mechanics on buildings for work and materials.

On motion of Mr. HARRIS,

Resolved, That the committee on agriculture and manufactures enquire into the expediency of incorporating the Northeast gold mining company.

On motion of Mr. FAULKNER,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of amending so much of the 41st section of the act concerning wills, &c., 1 Rev. Code 385, as authorizes the continuance of a suit against an executor or administrator, defendants, after their fiduciary powers are revoked, and after an administrator *de bonis non* has been appointed by the court.

On motion of Mr. LAIDLEY,

Resolved, That the committee of schools and colleges enquire into the expediency of so amending the laws in relation to primary schools, under either system, as to make uniform the time within which the several counties and corporations of the commonwealth shall forfeit their respective quotas of the school fund, and as to the propriety of fixing said term at two years.

A motion was made by Mr. SYME, that the house adopt the following resolution :

Resolved, That the debate on the Wilmot proviso and kindred subjects, shall terminate on Friday the 19th instant at 3 o'clock.

A motion was made by Mr. WHITTLE to amend the same by striking out the words "Friday the nineteenth," and inserting in lieu thereof the words "Saturday the twentieth."

On motion of Mr. SEGAR, the said resolution and proposed amendment were ordered to be laid upon the table.

On motion of Mr. PERROW,

Resolved, That this house will, with the consent of the senate, proceed on the 27th instant to the election of a brigadier general for the third brigade of Virginia militia, to fill the vacancy occasioned by the resignation of Gen. Alexander Brown.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. BUSWELL,

Resolved, That the committee on roads and internal navigation be instructed to enquire into the expediency of so amending the act to incorporate the New Market and Sperryville turnpike company, as to provide for the construction of that section of the road between New Market and the town of Luray in the county of Page.

On motion of Mr. FAULKNER,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of so amending the 10th section, 3d chapter, title 2d, of the Criminal Code of this state, adopted at the last session, as to provide more effectually for the punishment of the offence of malicious shooting and stabbing, when committed by a free man upon the person of a slave.

Mr. HIETT, from the select committee on the governor's house and its furniture, presented an estimate of the furniture in the house, a statement of the disbursements for the said house from the 1st of January 1843, to the 8th of January 1846, and a statement of the disbursements for the said house from the 1st of March 1846, to the 31st of December 1848.

Mr. M'CUE presented a petition of citizens of the county of Augusta, for the establishment of a separate election at the schoolhouse of J. W. Bear in the town of Churchville, which was ordered to be referred to the committee of propositions and grievances.

Mr. THOMPSON of Botetourt presented a document as evidence to shew that Lieut. William P. Griffin of the United States navy is entitled to a sword, which was ordered to be referred to the committee on the subject of awarding swords to distinguished Virginians.

Mr. HOUSER presented a petition of Washington Skelton, asking to be released from the claim of the state for a fine incurred by him for retailing ardent spirits without a license, which was ordered to be referred to the committee of claims.

The following bills were severally taken up on motion of Mr. LAYNE of Alleghany, read the first and second times, and ordered to be committed to the committee which brought them in, viz:

No. 159. A bill to enable the James river and Kanawha company to improve the Great Kanawha river for steamboat navigation from the Great falls thereof to the Ohio river, and for other purposes.

No. 160. A bill to provide for the Southside and Rivanna connections; and

No. 176. A bill authorizing the state's guarantee to certain bonds of the James river and Kanawha company.

No. 104. A bill to provide for the repairs of the governor's house and the purchase of furniture therefor, was taken up on motion of Mr. HIETT, and the amendment submitted by Mr. HARPER being under consideration, a motion was made by Mr. HIETT to amend the said amendment; thereupon, with the leave of the house, Mr. HARPER accepted the said amendment as a substitute for the amendment offered by him.

The first section of the bill provided "that the sum of five thousand dollars, or so much thereof as may be necessary for that purpose, be and the same is hereby appropriated out of any money in the treasury not otherwise appropriated by law, to be expended by the superintendent of public buildings in such repairs to the governor's house, and in the purchase of such furniture for the same, as the governor of the commonwealth may direct," &c.

The amendment submitted by Mr. HIETT proposed to strike out the words "five thousand dollars" and insert in lieu thereof the words "three thousand dollars," and the said amendment being under discussion, Mr. M'CUE demanded the previous question, and being sustained by the house, the question was put upon adopting said amendment and was determined in the negative. Ayes 57, noes 70.

On motion of Mr. HARPER, the vote was recorded as follows:

AYES—Messrs. Finney, Nock, Boisseau, Powell, Cheatham, Byrd, Byrne of Braxton, Lewis and Gilmer, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Cardwell, Vaughan, Clarke, Howard of Floyd, Edwards, Sydnor, Baily, Guerrant, Carroll, Maclin of Greenville, Major, Allen, Hielt, Bassel, Mullins, Houser, Webb, Lane of Lee, Newman, Arnett, M'Donald, Coleman, Tanzey, Beirne of Monroe, Robinson, Butt, Cowper, Basye, Buswell, Hiner, Herbert, Wootton, Rives, Harrison of Prince William, Martz, Harper, Aston, Fugate, Pitman, Sibert, Griffin, Hargrave, Nicholson, Burdett, Boyers, Massey and Collins—57.

NOES—Messrs. Hopkins, (speaker,) Hart, Watson, Smith, Layne of Alleghany, Sheffey, M'Cue, Mitchell, Burwell, Faulkner, Boak, Thompson of Botetourt, De Camps, Kyle, Moore, Wills, Lacy, Jones, Barbour, Irving of Cumberland, Segar, Thomas, Scott, Rector, M'Clung, Stillman, Claiborne, Wood, Clopton, Price, Stovall, Darracott, Welton, Lancaster, Boykin, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Wallace, Ferguson, White, Harrison of Loudoun, Beard, Harris,

Clendenin, Whittle, Barnett, Gustin, Kilby, Perrow, Yerby, Pitts, Pannill, Turner, Syme, Townes, Grasty, Cackley, Fairfax, Goff, Cook, Dorman, Thompson of Smyth, Conway, Moncure of Stafford, George, Goodson, Harvey and Boyd—70.

A motion was then made by Mr. HARRISON of Prince William, to amend the said section by striking out the words "five thousand dollars" and inserting in lieu thereof the words "three thousand dollars, with such sum or sums as may be received for furniture now in the governor's house which may be sold, and the unexpended balance of the appropriations for the repairs, &c. of the said house during governor Smith's term," and the amendment was determined in the negative.

The said bill was then ordered to be engrossed and read a third time; and having been forthwith engrossed and the rule of the house having been suspended, was read a third time and passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

No. 137. An engrossed bill incorporating the town of Gnyandotte in Cabell county, was taken up on motion of Mr. MOORE, read a third time and passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

The report of the joint committee on the subject of the Wilmot proviso and other kindred subjects, with the amendment thereto proposed by Mr. THOMAS, which was under consideration when the house adjourned on yesterday, was taken up, and the said amendment being under discussion,

On motion of Mr. MONCURE of Stafford,

Ordered, That when the house adjourns to-day and the next day, it will adjourn until 10 o'clock to-morrow and the succeeding day.

And then on motion of Mr. SEGAR, the house adjourned accordingly.

FRIDAY, JANUARY 19, 1849.

Prayer by the Rev. MOSES D. HOGG of the Presbyterian church.

A communication from the senate, by their clerk, was read as follows:

IN SENATE, JANUARY 16, 1849.

The senate have passed the bills, entitled

"An act to incorporate the Suffolk savings bank." (No. 14.)

"An act releasing to Peter M. Daniel, sheriff of Louisa, the amount of certain damages recovered against him in the general court," (No. 48); and

"An act increasing the salaries of the commissioners of the revenue for the county of Patrick," (No. 67,) with amendments, in which they request the concurrence of the house of delegates.

The said amendments being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

The **SPEAKER** laid before the house a communication from the second auditor, transmitting, in compliance with a resolution of the house of the 17th instant, by direction of the Board of public works, a copy of a communication addressed to said board by James Lyons, Esq., on the subject of a communication from N. M. Martin, Esq.; which was, on motion of Mr. **STOVALL**, ordered to be laid upon the table and be printed. [Doc. No. 10.]

On motion of Mr. **HARRISON** of Loudoun,

Resolved, That the governor of the commonwealth be requested to inform this house whether the returns of votes for electors of president and vice-president, at the recent election, were in any case informal; whether those informal returns were counted in the estimate, and by what authority, and to transmit the said informal returns or copies thereof to this house.

On motion of Mr. **THOMPSON** of Botetourt,

Resolved, That the committee of propositions and grievances enquire into the expediency of changing the precinct election, now required to be held by law at the Hob-house in the town of Buchanan, to Jacob A. Haynes' tavern house in said town.

On motion of Mr. **LAYNE** of Alleghany,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of so amending the law in relation to the Covington bridge, as to require the owners of stages to pay their tolls by the trip instead of by the year, as now authorized by law.

On motion of Mr. **KILBY**,

Resolved, That the committee on the militia laws enquire into the expediency of authorizing the fines which may be assessed by volunteer companies under their by-laws, to be collected by constables.

On motion of Mr. **JONES**,

Resolved, That the committee of finance enquire into the expediency of refunding to George W. Snellings, deputy for W. W. Hancock, sheriff of Chesterfield county, the sum of fourteen dollars and seventy and one half cents, that being the amount of insolvents improperly paid by him into the treasury.

Mr. **JONES** presented documents to sustain the said resolution, which were ordered to be referred to the same committee.

On motion of Mr. **FUGATE**,

Resolved, That the committee on finance be instructed to enquire into the expediency of reporting a bill making it the duty of the officer conducting the election precincts in each county to receive the revenue tax from individuals returned delinquent, and note that fact and the amount on the back of the pollbook, and receipt the individual for the same.

Mr. **BYRNE** of Braxton submitted the following resolution, which on motion of Mr. **MARTZ**, was ordered to be laid upon the table, viz:

Resolved, That a select committee be appointed to enquire into the expediency of reapportioning the representation in the senate and house of delegates, in conformity with the fifth section of the third article of the constitution.

On motion of Mr. STOVALL,

Resolved, That this house by joint vote with the senate will on the 27th of this month, January, proceed to the election of an auditor of public accounts, second auditor, treasurer, register of the land office, secretary of the commonwealth and librarian, superintendent and storekeeper of the penitentiary, for one year from the expiration of the time to which those offices are respectively filled.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. SMITH,

Resolved, That the committee for courts of justice enquire into the expediency of amending the laws concerning the poor for the county of Alexandria.

On motion of Mr. MOORE,

Ordered, That Messrs. Boykin, Butt and Massey, be added to the committee on the subject of extending the jurisdiction of single justices of the peace.

On motion of Mr. LANE of Lee,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of reporting a bill making an appropriation sufficient to complete the construction of the Little Stone gap road.

No. 43. An engrossed bill concerning the Virginia regiment of volunteers, was taken up on motion of Mr. COWPER; thereupon, the rule of the house was suspended, and the vote ordering said bill to be engrossed was reconsidered; the bill was then amended on his motion, and as amended, ordered to be engrossed and read a third time.

Mr. THOMPSON of Smyth, presented a petition of Nancy A. Daily, for the passage of an act authorizing the treasurer of the school commissioners of Smyth county, to pay her thirty-six dollars and sixty cents, out of the surplus funds in the hands of the school commissioners of said county, which was ordered to be referred to the committee of schools and colleges.

Mr. BASSEL presented a petition of citizens of the county of Doddridge for the establishment of a separate election in said county.

Mr. MONCURE of Stafford presented a memorial of citizens of the county of Spotsylvania, remonstrating against the extension of the corporate limits of the town of Fredericksburg.

Mr. STROTHER, a petition of citizens of the county of Rappahannock, to change the place of holding a separate election in that county.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

Mr. BARNETT presented a petition of citizens of the town of Blacksburg, for the incorporation of a savings bank in said town.

Mr. CLENDENIN, a petition of J. D. D. Rosset and others, citizens of the county of Jackson, praying that a branch of the Bank of Virginia may be established at the town of Ripley or Ravenswood in said county.

Ordered, That the said petitions be referred to the committee on banks.

Mr. HOWARD of Floyd presented a petition of J. N. Zentmeyer, clerk of the county court of the county of Floyd, asking an explanatory act in relation to the taxes on deeds admitted to record.

Mr. FINNEY, a petition of William Ward, asking permission to establish a store on Hog island, in the county of Northampton, without paying a license for the same.

Ordered, That the said petitions be referred to the committee of finance.

Mr. CLENDENIN presented an order of the county court of Mason county, relative to the application of citizens of said county, asking for aid in rebuilding bridges on the Charleston and Point Pleasant turnpike road, which was ordered to be referred to the committee of roads and internal navigation.

Mr. CLENDENIN also presented an order of the county court of the county of Jackson, asking for a change in the time of holding the spring quarterly term of said county court, which was ordered to be referred to the committee for courts of justice.

Mr. WALLACE presented a petition of John E. Baker, asking the payment to him of sixteen dollars for services as adjutant to the 25th regiment of militia, which was ordered to be referred to the committee of claims.

The report of the joint committee on the subject of the Wilmot proviso and other kindred subjects, with the amendment thereto proposed by Mr. THOMAS, and which was under consideration when the house adjourned on yesterday, was taken up, and being under discussion,

On motion of Mr. WHITTLE, the house adjourned until to-morrow 10 o'clock.

SATURDAY, JANUARY 20, 1849.

Prayer by the Rev. THOMAS V. MOORE of the Presbyterian church.
A communication from the senate by their clerk was read as follows:

IN SENATE, JANUARY 17, 1849.

The senate have passed the bills, entitled

"An act releasing to Joel Ferguson a certain fine imposed by the circuit superior court of law and chancery for Wayne county." (No. 37.)

"An act declaring Mud river and the Beach fork of Twelve pole river public highways, and for other purposes," (No. 54;) and

"An act to confirm the grant by the common council of Alexandria of part of certain streets in said town to the Alexandria canal company." (No. 88.)

They have also passed the bill, entitled

"An act to amend the several acts concerning the Martinsburg and Winchester turnpike company," (No. 55,) with an amendment, in which they request the concurrence of the house of delegates.

The said amendment being read, was agreed to by the house, and it was ordered that the clerk inform the senate thereof.

Mr. COLEMAN, from the committee of schools and colleges, presented the following bills:

No. 188. A bill to regulate the forfeiture of undrawn school quotas to the Literary fund; and

No. 189. A bill to incorporate the Fincastle female seminary.

Mr. HINER presented a petition of citizens of the county of Highland, asking for the establishment of a separate election in said county.

Mr. WATSON, a petition of citizens of the county of Albemarle, for the establishment of a separate election at Blackwell's tanyard in said county.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

On motion of Mr. GUERRANT, leave was granted to withdraw the petition of Robert H. Mitchell, presented at the last session of the general assembly, asking to be divorced from his wife; thereupon, Mr. GUERRANT again presented the same, and it was ordered to be referred to the committee for courts of justice.

Mr. M'CLUNG presented a petition of citizens of the county of Fayette, asking for the construction of a railroad from the town of Covington to the Kanawha river, and for aid to tunnel the Blue Ridge, which was ordered to be referred to the committee of roads and internal navigation.

A motion was made by Mr. ROBINSON, that the house adopt the following resolution:

Resolved, That all debate shall close on the Wilmot proviso resolutions before the house adjourns to-day.

A motion was made by Mr. COOK to amend the same by striking out the words "before the house adjourns," and inserting in lieu thereof the words "at 3 o'clock;" thereupon, a motion was made by Mr. HART, that the resolution and amendment be laid upon the table; and the motion being under discussion, Mr. WHITTLE demanded that the main question be now put, and it was sustained by the house, and the question being put upon the motion to lay upon the table, was determined in the negative. Ayes 51, noes 74.

On motion of Mr. ROBINSON, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Nock, Hart, Watson, Smith, Sheffield, M'Cue, Burwell, Faulkner, Boak, Thompson of Botetourt, Wills, Irvine of Campbell, Segar, Thomas, Scott, Rector, Howard of Floyd, Stillman, Wood, Sydnor, Price, Darracott, Welton, Lancaster, Worthington, Thomson of Jefferson, Laidley, Webb, Harrison of Loudoun, Beard, Arnett, Clendenin, Barnett, Kilby, Ferrow, Cowper, Yerby, Pitts, Turner, Syme, Townes, Grasty, Goff, Strother, Mayo, Aston, Burdett, Harvey and Boyd—51.

NOES—Messrs. Layne of Alleghany, Boisseau, Powell, Cheatham, Byrd, Mitchell, De Camps, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moore, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Vaughan, M'Clung, Claiborne, Edwards, Baily, Guerrant, Carroll, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Bassel, Mullins, Wallace, Houser, Lane of Lee, Ferguson, Harris, Newman, M'Donald, Shepard, Coleman, Whittle, Tanzey, Beirne of Monroe, Robinson, Butt, Basye, Pannill,

Buswell, Hiner, Cackley, Fairfax, Herbert, Wootton, Rives, Harrison of Prince William, Cook, Dorman, Paxton, Martz, Harper, Fugate, Pitman, Sibert, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson, George, Boyers, Massey, Goodson and Collins—74.

The question recurred upon the said amendment, and Mr. MONCURE of Caroline demanded that the main question be now put, and it was sustained by the house, and being put, the amendment was agreed to, and the resolution as amended was then adopted.

Mr. YERBY submitted the following preamble and resolutions, which on his motion were ordered to be laid upon the table, viz :

Whereas proceedings have been commenced in the house of representatives of the United States, to abolish the institution of slavery within the District of Columbia, a district ceded by the slave states Maryland and Virginia, to the general government, for purposes none other than the accommodation of the federal government for its residence and its legitimate exercise of functions only necessary to its administration of powers conferred upon it by the constitution, and *not* for an administration of power which can *no where* be found in the cession of deeds of Maryland and Virginia, a state of alarm has been produced which calls for an expression of the voice of the southern people in their primary assemblies.

Therefore, we, the people of the county of Northampton and state of Virginia, now met in convention, do declare that, however we may be divided by party lines upon other questions which have heretofore and do still excite us, we know no division of sentiments on the question of our rights under the constitution of the United States *in and over* the institution of slavery.

We believe that congress has no power over the subject ; and we insist that none shall ever be exercised by it.

However unlimited the terms of language employed by the states, Virginia and Maryland, in their deeds of cession, we have no doubt, that at the time of cession, the idea that congress might ever claim power over slavery had never entered the head of any one of the patriotic rulers of these generous and confiding old states—*slave states* as they *then* were—and slave states as they *then* expected to remain.

We further declare to our fellow-citizens of these United States that, in reference to this claim of power over the district, whilst we are not to be understood as admitting in the least degree a *legal* power, we plant ourselves on the position that congress has no *moral* power whatever ; and that we will never submit to emancipation in that district without the consent of the people of said district, and of the people of Maryland and Virginia, and we shall not hesitate to stigmatize any and every one of the American people who may ever be willing to perpetrate on Virginia and Maryland a fraud that would be as monstrous and as hideous as would be that of the man who could abuse his friend's confidence by inserting in a "*carte blanche*" *something* about which that friend had never been consulted : Therefore,

Resolved, That we cordially approve and commend the course of all those southern members of congress who have recently met in convention for the purpose of resisting the slavery agitators, and of con-

sidering and adopting what action it becomes them to take for the preservation of the rights of the south.

Resolved, That upon all occasions which are forced upon us for the expression of our views of our rights *in* and *over* slavery, we will employ such language only as shall carefully indicate our purposed action; and that in our heretofore expressions that congress neither has nor shall exercise any power over slavery, we desire to be understood that we will *resist*, even if it be at the cost of our lives.

The report of the joint committee on the Wilmot proviso and other kindred subjects, with the amendment thereto proposed by Mr. THOMAS, which was under discussion when the house adjourned on yesterday was taken up.

The said report was read as follows:

Whereas the institution of slavery was fully discussed in the convention which formed the constitution of the United States, and the rights of slaveholders recognized and protected by the provisions of that instrument; and without the compromises then solemnly entered into, the union of the states never could have been formed: And whereas the general assembly of Virginia, regarding what is known as the "Wilmot Proviso" as in palpable disregard of the compromises of the constitution, did, on the 8th day of March 1847, adopt a series of resolutions distinctly indicating the course which the state of Virginia would pursue, in the event of its passage by the congress of the United States, as applicable to territory to be acquired from Mexico: And whereas the present general assembly have seen with deep concern, a disposition manifested by the house of representatives of the United States, to violate the principles embodied in said resolutions, and to make still further aggressions upon the rights of the southern states: Under these circumstances, this general assembly deem the occasion fit to reaffirm said resolutions, and most respectfully, but most earnestly, to call the attention of all who are attached to the union of the states, to the serious and inevitable consequences which must follow such action upon the part of the general government:

1. *Be it therefore resolved by the general assembly of Virginia*, That after the fullest re-examination and reconsideration of the resolutions adopted on the 8th of March 1847, by this body, we do consider said resolutions as founded in truth, consonant with the constitution, and conducive to its preservation; and therefore we feel it to be our indispensable duty to adhere to and reaffirm them as follows:

1. *Be it resolved unanimously by the general assembly of Virginia*, That the government of the United States has no control, directly or indirectly, mediately or immediately, over the institution of slavery, so as to impair the rights of the slaveholder, and that in taking any such control, it transcends the limits of its legitimate functions, by destroying the internal organization of the sovereignties who created it.

2. *Resolved unanimously*, That all territory which may be acquired by the arms of the United States, or yielded by treaty with any foreign power, belongs to the several states of this Union, as their joint and common property, in which each and all have equal rights; and

that the enactment by the federal government of any law which should direct, or by its effects prevent the citizens of any state from emigrating with their property, of whatever description, into such territory, would make a discrimination unwarranted by, and in violation of the compromises of the constitution and the rights of the states from which such citizens emigrated, and in derogation of that perfect equality that belongs to the several states, as members of this Union, and would tend directly to subvert the Union itself.

3. *Resolved*, That if, in disregard alike of the spirit and principles of the act of congress, on the admission of the state of Missouri into the Union, generally known as the Missouri compromise, and of every consideration of justice, of constitutional right and of fraternal feeling, the fearful issue shall be forced upon the country, which must result from the adoption and attempted enforcement of the Wilmot proviso, as an act of the general government, the people of Virginia can have no difficulty in choosing between the only alternatives that will then remain of abject submission to aggression and outrage on the one hand, or determined resistance on the other, at all hazards and to the last extremity.

4. *Resolved unanimously*, That the general assembly holds it to be the duty of every man in every section of this confederacy, (if the Union is dear to him,) to oppose the passage of any law, for whatever purpose, by which territory to be acquired may be subject to such a restriction.

5. *Resolved unanimously*, That the passage of the above mentioned proviso, makes it the duty of every slaveholding state, and of all citizens thereof, as they value their dearest privileges, their sovereignty, their independence and their rights of property, to take firm, united and concerted action in this emergency.

II. *Resolved*, That we regard the passage of a law by the congress of the United States, abolishing slavery or the slave trade in the District of Columbia, as a direct attack upon the institutions of the southern states, to be resisted at every hazard.

III. *Resolved*, That in the event of the passage by congress of the "Wilmot Proviso," or any law abolishing slavery or the slave trade in the District of Columbia, the governor of this commonwealth is requested immediately to convene the legislature of this state, (if it shall have adjourned,) to consider the mode and measure of redress.

IV. *Resolved*, That the governor of this commonwealth be requested to send a copy of these resolutions to each of the states of this Union, and also to our senators and representatives in congress.

The amendment of Mr. THOMAS proposed to strike out all of said report down to the end of the third resolution, and to insert in lieu thereof the following :

1. *Resolved*, That the states came into this Union as equals, and that their citizens are entitled to equal rights, privileges and immunities under the constitution of the United States.

2. *Resolved*, That the proceedings of the convention by which the federal constitution was framed, clearly demonstrate that the institu-

tion of slavery was maturely considered, and that the union of the states could never have been formed without, and was finally secured by incorporating into that instrument distinct and ample guarantees of the rights of the slaveholder.

3. *Resolved*, That we view with deep concern the constant aggressions on the rights of the slaveholder by certain reckless politicians of the north, and we consider the recent proceedings on the subject of slavery fraught with mischief well calculated to disturb the peace of our country, and should call forth the earnest and prompt disapprobation of every friend of the Union.

4. *Resolved*, That the enactment of any law by congress which shall directly or indirectly deprive the citizens of any of the states of the right of emigrating with their slave property into any of the territories of the United States, and of exercising ownership over the same while in those territories, will not only be an act of gross injustice and wrong, but the exercise of power contrary to the true spirit of the constitution, and should be resisted by such measures as may be deemed best for the preservation of the institutions of the south.

5. *Resolved*, That while we do not intend hereafter to be understood as conceding that congress has the power under the constitution to enact a law prohibiting slavery in any portion of the territories of the United States, yet to preserve the peace and promote the perpetuity of the Union, we are willing that the basis of the Missouri compromise should be adopted in reference to the recently acquired territories of New Mexico and California.

6. *Resolved*, That we regard the passage of any law by congress, interfering with the rights of slaveholders in the District of Columbia, as a direct attack upon the institutions of the slaveholding states, which ought to be met at the threshold and resisted at every hazard.

And the question being put upon the said amendment, was determined in the negative. Ayes 43, noes 89.

On motion of Mr. CONWAY, the vote was recorded as follows:

AYES—Messrs. Hart, Watson, Smith, M'Cue, Sheffey, Mitchell, Burwell, Byrne of Braxton, Lewis and Gilmer, Kyle, Wills, Irvine of Campbell, Irving of Cumberland, Thomas, Scott, Rector, Howard of Floyd, Stillman, Clopton, Price, Darracott, Welton, Lancaster, Worthington, Thomson of Jefferson, Laidley, Wallace, Webb, Lane of Lee, White, Harrison of Loudoun, Beard, Clendenin, Barnett, Pitts, Turner, Syme, Townes, Grasty, Strother, Dorman, Aston, Burdett and Harvey—43.

NOES—Messrs. Hopkins, (speaker,) Nock, Layne of Alleghany, Boisseau, Powell, Cheatham, Byrd, Faulkner, Boak, Thompson of Botetourt, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moore, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Vaughan, Segar, Clarke, M'Clung, Claiborne, Edwards, Wood, Sydnor, Baily, Guerrant, Carroll, Maclin of Greenville, Major, Stovall, Allen, Hiatt, Bassel, Mullins, Boykin, Howard of James City, York and Williamsburg, Houser, Ferguson, Harris, Newman, Arnett, M'Donald, Shepard, Coleman, Whittle, Tanzey, Beirne of Monroe, Gustin, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Basye, Booth, Pannill, Buswell, Hiner, Cackley, Fairfax, Herbert, Wootton, Rives, Harrison of Prince William, Goff, Mayo, Cook, Paxton, Martz, Harper, Fugate, Pitman, Sibert, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson, George, Boyers, Massey, Goodson, Collins and Boyd—89.

A motion was then made by Mr. SYME, to amend the report of the committee by striking therefrom the following resolution :

Resolved, That in the event of the passage by congress of the Wil-mot proviso, or any law abolishing slavery or the slave trade in the District of Columbia, the governor of this commonwealth is requested immediately to convene the legislature of this state, (if it shall have adjourned,) to consider of the mode and measure of redress.

And the question being put thereupon, was determined in the negative. Ayes 48, noes 85.

On motion of Mr. RIVES, the vote thereon was recorded as follows :

AYES—Messrs. Finney, Hart, Watson, Smith, M'Cue, Sheffey, Mitchell, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, Kyle, Moore, Wills, Irvine of Campbell, Lacy, Cardwell, Irving of Cumberland, Thomas, Scott, Rector, Howard of Floyd, Stillman, Clopton, Price, Darracott, Welton, Lancaster, Worthington, Thomson of Jefferson, Laidley, Wallace, Webb, White, Harrison of Loudoun, Beard, Clendenin, Barnett, Turner, Syme, Townes, Grasty, Strother, Dorman, Aston, Fugate, Thompson of Smyth, Burdett and Harvey—48.

NOES—Messrs. Hopkins, (speaker,) Nock, Layne of Alleghany, Boisseau, Powell, Cheatham, Byrd, Faulkner, Thompson of Botetourt, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Vaughan, Segar, Clarke, M'Clung, Claiborne, Edwards, Wood, Sydnor, Bailly, Guerrant, Carroll, Maclin of Greenville, Stovall, Major, Allen, Hiett, Bassel, Mullins, Boykin, Howard of James City, York and Williamsburg, Houser, Lane of Lee, Ferguson, Harris, Newman, Arnett, M'Donald, Shepard, Coleman, Whittle, Tanzey, Beirne of Monroe, Gustin, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Basye, Booth, Pitts, Pannill, Buswell, Hiner, Cackley, Fairfax, Herbert, Wootton, Rives, Harrison of Prince William, Goff, Mayo, Cook, Paxton, Martz, Harper, Pitman, Sibert, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson, George, Boyers, Massey, Goodson, Collins and Boyd—85.

A motion was then made by Mr. WATSON to amend the second resolution of the committee, by striking therefrom the word "*compromises*," and inserting in lieu thereof the word "*spirit*;" thereupon Mr. PITTS asked a division of the question, and the question was put first upon striking out the word "*compromises*" and determined in the negative. Ayes 23, noes 106.

On motion of Mr. RIVES, the vote was recorded as follows :

AYES—Messrs. Watson, Smith, M'Cue, Sheffey, Mitchell, Burwell, Wills, Irvine of Campbell, Scott, Stillman, Price, Welton, Worthington, Thomson of Jefferson, Ferguson, Harrison of Loudoun, Beard, Turner, Syme, Grasty, Aston, Thompson of Smyth, and Burdett—23.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Layne of Alleghany, Boisseau, Powell, Cheatham, Byrd, Faulkner, Boak, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moore, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Vaughan, Segar, Clarke, Thomas, M'Clung, Howard of Floyd, Claiborne, Edwards, Wood, Sydnor, Bailly, Guerrant, Carroll, Maclin of Greenville, Stovall, Major, Allen, Hiett, Bassel, Lancaster, Mullins, Boykin, Howard of James City, York and Williamsburg, Laidley, Wallace, Houser, Webb, Lane of Lee, White, Harris, Newman, Arnett, M'Donald, Shepard, Clendenin, Coleman, Whittle, Tanzey, Beirne of Monroe, Bar-

nett, Gustin, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Basye, Booth, Pitts, Pannill, Buswell, Hiner, Townes, Cackley, Fairfax, Herbert, Wootton, Rives, Harrison of Prince William, Goff, Strother, Mayo, Cook, Dorman, Paxton, Martz, Harper, Fugate, Pitman, Sibert, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson, George, Boyers, Massey, Goodson, Harvey, Collins and Boyd—106.

The house by refusing to strike out, thereby refused to insert, and the second branch of the question under the division was not put.

The question then recurred upon adopting the report of the committee; thereupon Mr. CONWAY demanded that the main question be now put, and it was sustained by the house, and being put, was determined in the affirmative. Ayes 117, noes 13.

On motion of Mr. RIVES, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Nock, Hart, Layne of Alleghany, Boisseau, Powell, Cheatham, Byrd, Mitchell, Burwell, Faulkner, Boak, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moore, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Vaughan, Segar, Clarke, Thomas, M'Clung, Howard of Floyd, Stillman, Claiborne, Edwards, Wood, Sydnor, Baily, Clopton, Guerrant, Carroll, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Darracott, Bassel, Lancaster, Mullins, Boykin, Howard of James City, York and Williamsburg, Laidley, Wallace, Houser, Webb, Lane of Lee, Ferguson, Harris, Newman, Arnett, M'Donald, Shepard, Coleman, Whittle, Tanzey, Beirne of Monroe, Barnett, Gustin, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Basye, Booth, Pitts, Pannill, Buswell, Hiner, Syme, Townes, Grasty, Cackley, Fairfax, Herbert, Wootton, Rives, Harrison of Prince William, Goff, Strother, Mayo, Cook, Dorman, Paxton, Martz, Harper, Fugate, Pitman, Sibert, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson, Burdett, George, Boyers, Massey, Goodson, Harvey, Collins and Boyd—117.

NOES—Messrs. Watson, Smith, M'Cue, Sheffey, Scott, Price, Welton, Worthington, Thomson of Jefferson, Harrison of Loudoun, Beard, Clendenin and Turner—13.

Ordered, That Mr. CONWAY carry the said preamble and resolutions to the senate and request their concurrence.

A motion was made by Mr. MOORE that 4000 copies thereof be printed, and it was determined in the negative.

On motion of Mr. COOK, the house adjourned until Monday, 12 o'clock.

MONDAY, JANUARY 22, 1849.

Prayer by the Rev. J. L. REYNOLDS of the Baptist church.

A communication from the senate by their clerk, was read as follows:

IN SENATE, JANUARY 18, 1849.

The senate have passed the bill, entitled

"An act concerning Ulysses Hinchman of the county of Logan."

(No. 2.)

They have also passed the bill, entitled

"An act to authorize James Paxton, of the county of Botetourt, to erect a mill dam across the eastern branch of the Cowpasture river," (No. 42,) with an amendment, in which they request the concurrence of the house of delegates.

And they have rejected the bill, entitled

"An act authorizing the payment of a sum of money to J. B. & W. Hite." (No. 87.)

The said amendment being read, was agreed to, and it was ordered that the clerk inform the senate thereof.

Further communications from the senate in like manner were read as follow :

IN SENATE, JANUARY 19, 1849.

The senate have agreed to the resolution for the election of a brigadier general of the third brigade.

IN SENATE, JANUARY 20, 1849.

The senate have passed the bill, entitled

"An act incorporating the town of Guyandotte in Cabell county." (No. 137.)

The SPEAKER laid before the house a communication from the governor, transmitting the report of the adjutant general, enclosing a report of the semi-annual examination of the cadets of the Virginia military institute, which being read, on motion of Mr. STOVALL, was ordered to be laid upon the table and be printed. [Doc. No. 48.]

The SPEAKER laid before the house a communication from Oden G. Clay, Esq. president of the Lynchburg and Tennessee railroad company, transmitting in response to a resolution of the house, copies of the proceedings of the said company; a list of the subscribers to its stock, the number of shares subscribed for by each stockholder, and the amounts paid thereon; which communication, on motion of Mr. PAXTON, was ordered to be laid upon the table.

Mr. STROTHER, from the committee for courts of justice, presented the following bills:

No. 190. A bill divorcing Sarah W. Williams from her husband John W. Williams; and

No. 191. A bill concerning set-offs.

Mr. JONES, from the committee of propositions and grievances, presented a report upon the resolution for allowing a premium for killing crows in the county of Bath; and the following bills:

No. 192. A bill to incorporate the Mutual fire insurance company of Loudoun county.

No. 193. A bill to change the place of holding a separate election in the county of Lewis.

No. 194. A bill concerning the taking of oysters in York and Poquosin rivers; and

No. 195. A bill providing for the extension of the provisions of the present road law of Brooke county to the counties of Tyler and Wetzel.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, reported without amendment the following bills:

No. 159. A bill to enable the James river and Kanawha company to improve the Great Kanawha river for steamboat navigation from the Great falls thereof to the Ohio river, and for other purposes; and

No. 160. A bill to provide for the Southside and Rivanna connections.

And presented the following bills:

No. 196. A bill to provide for constructing on state account a turnpike road from Alleghany county to the Staunton and Parkersburg road.

No. 197. A bill to legalize John H. Griffith's mill and dam, in the county of Harrison; and

No. 198. A bill to incorporate the Pamunkey navigation company.

On motion of Mr. CARDWELL,

Resolved, That the committee on the militia laws be instructed to enquire into the expediency of passing a law authorizing the clerks of battalion and regimental courts of enquiry to administer oaths to persons offering excuses for fines.

On motion of Mr. HOWARD of Williamsburg,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of passing a law requiring that sheriffs should take the estates of lunatics, as the estates of intestates are committed to them, in default of other administration.

On motion of Mr. CONWAY,

Resolved, That the committee for courts of justice enquire into the expediency of extending the jurisdiction of the hustings court of Fredericksburg to all cases where the defendant or defendants, or either of them, is a citizen of said corporation, or where the cause of action shall have arisen within the limits of said town.

On motion of Mr. COLLINS,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of amending the act to incorporate the Harrisville turnpike company.

On motion of Mr. BOOTH,

Resolved, That the committee of roads and internal navigation enquire into the expediency of amending the act for the incorporation of the Southside railroad company, passed March 5th, 1846, so as to authorize the opening of books of subscription at other places than those embraced in said act, and for other purposes.

On motion of Mr. BARBOUR,

Resolved, That the committee of roads and internal navigation enquire into the expediency of so amending the charter of the Orange and Alexandria railroad company, as to put the section of said road from Culpeper courthouse in the direction of Alexandria, upon the same footing with the other sections thereof.

On motion of Mr. PERROW,

Resolved, That it be referred to the committee of propositions and grievances to enquire into the expediency of incorporating a company for mining for lead, silver and gold, in the counties of Albemarle and

Nelson, and for that purpose, with powers to purchase and hold lands and machinery, and for smelting and manufacturing purposes.

On motion of Mr. THOMPSON of Smyth,

Resolved, That the committee of propositions and grievances enquire into the expediency of changing the place of holding a precinct election in the county of Smyth, from the house of Andrew J. Rouse, at St. Clair's bottom to St. Clair's bottom schoolhouse.

On motion of Mr. WATSON,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of so amending the general railroad law as to give to companies and land owners the right to summon and compel the attendance of witnesses before commissioners, for assessing lands to be used by such companies.

On motion of Mr. KILBY,

Resolved, That the committee of schools and colleges enquire into the expediency of amending the law concerning free schools in the county of Norfolk, so as to make it the duty of the sheriff or collector of the school levy in said county, to account to the board of school commissioners for the same, and that no insolvent lists be allowed said sheriff or collector, except such as the said board shall deem just.

On motion of Mr. BURWELL,

Resolved, That the committee of roads and internal navigation and the committee of schools and colleges, shall jointly enquire into the expediency of separating the department of public instruction from that of internal improvement, and of providing for the annual election by the legislature of a superintendent of the Literary fund, and a second auditor, whose duties shall be distinct and separate, and shall not be performed by the same person.

On motion of Mr. HARPER,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of making an appropriation for the construction of a road across the Pendleton mountain by the Persimmon river route in Brock's gap.

No. 157. A bill establishing the county of out of the northern end of the county of Accomack, was taken up on motion of Mr. FINNEY, read the first time and ordered to be read a second time.

The following report of the committee of propositions and grievances was taken up, on motion of Mr. PRICE, and read :

The committee of propositions and grievances have, according to order, had under consideration the petition and accompanying documents of sundry citizens of Hancock county, to them referred, praying the passage of an act authorizing a new election to be held for the selection of a site for the seat of justice for said county. And also the memorial of sundry other citizens of said county, remonstrating against the prayer of said petitioners ; and praying at the same time that an act may pass, confirming and permanently fixing the seat of justice for said county of Hancock, at the town of New Manchester : Whereupon,

Resolved as the opinion of this committee, That the prayer of said

petitioners for a new election, as well as that of said other citizens for confirming and fixing permanently the site for the seat of justice for said county at New Manchester, *be rejected in both cases*, for want of notice, as required by the 23rd rule of the house of delegates.

The said resolution was agreed to, an *unsuccessful* motion having been made by Mr. PRICE to commit the same, with instructions to the committee to examine the merits of the petition and memorial.

A report of the committee of finance reporting it inexpedient to change the term of office of the commissioner of the revenue, was taken up on motion of Mr. FERGUSON, and on motion of Mr. STOVALL, ordered to be committed to said committee.

Mr. WHITTLE presented a document to sustain the petition of R. F. Astrop, which was ordered to be referred to the committee of claims.

Mr. WHITTLE also presented a petition of citizens of the county of Mecklenburg, praying for the establishment of a separate election in said county.

Mr. BASSEL, a petition of citizens of the town of Clarksburg, for an act of incorporation for said town.

Mr. WOOD, a petition of the trustees of Watson town, commonly called Capon springs, asking for authority to acquire and hold additional land, and for other purposes.

Mr. DE CAMPS, a petition of the Wellsburg Division No. 37 Sons of Temperance, asking for the passage of an act to incorporate their society.

Ordered, That said petitions be referred to the committee of propositions and grievances.

Mr. BASSEL presented a petition of citizens of the counties of Gilmer and Kanawha, for the construction of a road from Arnold's on the Staunton and Parkersburg road, to Charleston in Kanawha county.

Mr. GOFF, a petition of citizens of the counties of Harrison and Barbour, for the incorporation of a joint stock company to construct a turnpike from Clarksburg to the town of Philippi.

Mr. BYRNE of Braxton, a petition of citizens of the county of Lewis, for the construction of a road from the town of Buckhannon in said county, by way of Haymond's mills, to intersect the Weston and Gaully bridge turnpike.

Mr. DE CAMPS, a petition of citizens of the county of Brooke, for the incorporation of a company to construct a road from Wellsburg to intersect the Wheeling, West Liberty and Bethany turnpike.

Mr. SMITH, a petition of Hugh Smith and others, in reference to certain claims against the Fauquier and Alexandria turnpike company.

Mr. WELTON, a petition of citizens of the county of Hardy, for the construction of a turnpike from Moorfield to the Northwestern turnpike on the Alleghany mountains.

Ordered, That the said petitions be referred to the committee of roads and internal navigation.

Mr. CACKLEY presented a petition of William Skeen and others, of the county of Pocahontas, for the passage of an act to establish a savings bank in the town of Huntersville, which was ordered to be referred to the committee on banks.

Mr. DORMAN presented a petition of the Franklin society and library company of Lexington, asking for an extension of their charter.

Mr. SYDNOR, a petition of citizens of the county of Frederick, for the passage of an act authorizing the school commissioner in the Middleton district, to direct the treasurer of the school fund to pay to the trustees of the Middleton school annually the sum now expended in said district for the education of poor children.

Ordered, That said petitions be referred to the committee of schools and colleges.

Mr. WORTHINGTON presented a petition of the Striderian manufacturing company, asking for a change in the name of the company, and for other purposes, which was ordered to be referred to the committee on agriculture and manufactures.

No. 83. An engrossed bill to amend the act incorporating the Fredericksburg and Blue Ridge railroad company, and for other purposes, was read a third time; thereupon a clause by way of rider thereto was submitted by Mr. YERBY, which was twice read and forthwith engrossed and read a third time, and the question being put upon the passage of the bill and rider, was determined in the affirmative. Ayes 64, noes 46.

On motion of Mr. MAJOR, the vote was recorded as follows :

AYES—Messrs. Watson, Smith, Layne of Alleghany, Powell, M'Cue, Sheffey, Byrd, Mitchell, Burwell, Boak, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, Moore, Wills, Irvine of Campbell, Barbour, Irving of Cumberland, Thomas, Rector, M'Clung, Howard of Floyd, Baily, Carroll, Price, Allen, Darracott, Welton, Lancaster, Laidley, Ferguson, Newman, Arnett, Clendenin, Tanzey, Beirne of Monroe, Barnett, Perrow, Robinson, Pitts, Pannill, Buswell, Hiner, Cackley, Fairfax, Goff, Mayo, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Conway, Moncure of Stafford, Burdett, Boyers, Massey, Goodson, Collins and Boyd—64.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Boisseau, Cheatham, Harrison of Brunswick, Kyle, Cardwell, Jones, Vaughan, Clarke, Stillman, Claiborne, Edwards, Wood, Sydnor, Clopton, Stovall, Major, Hiatt, Bassel, Mullins, Boykin, Howard of James City, York and Williamsburg, Worthington, Wallace, Houser, Webb, Lane of Lee, Beard, M'Donald, Shepard, Coleman, Whittle, Kilby, Butt, Yerby, Turner, Townes, Grasty, Wootton, Harrison of Prince William, Hargrave, Nicholson, George and Harvey—46.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

The following engrossed bills were read a third time and passed, viz :

No. 43. A bill concerning the Virginia regiment of volunteers.

No. 86. A bill to provide additional accommodations for the deaf and dumb and blind institution.

No. 90. A bill concerning the jurisdiction of the mayor's court of the City of Richmond.

No. 91. A bill concerning the tobacco trade in the town of Alexandria.

No. 93. A bill authorizing a separate election at the house of Thomas Miller in the county of Braxton.

No. 94. A bill authorizing a separate election at the house late the

residence of Adam Rosenbaum senior, deceased, in the county of Wythe; and

No. 95. A bill to change the place of holding a separate election in the county of Highland.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

The following bills were read a second time and ordered to be engrossed and read a third time, viz:

No. 100. A bill changing the time of holding the circuit superior courts of Spottsylvania and Caroline counties.

No. 102. A bill concerning George Pickett and Thomas A. Withers.

No. 92. A bill concerning the jurisdiction of courts of chancery; and

No. 103. A bill to provide for the construction of a road from the forks of Sandy river in Wayne county, to the Kanawha turnpike in Cabell county.

No. 96. A bill imposing taxes for the support of government, was taken up on motion of Mr. STOVALL and made the order of the day for to-morrow at one o'clock.

No. 98. An engrossed bill authorizing a sword to be presented to Major Andrew Waggoner, was read a third time and passed, and the title having been amended on motion of Mr. WORTHINGTON, was as amended agreed to as follows: "An act authorizing swords to be presented to Major Andrew Waggoner and Parke G. Howle."

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

No. 26. A bill to amend the act passed April 4th, 1848, entitled "an act amending the act, entitled 'an act concerning oysters and terrapins, and the penalties in regard to them,' " passed March 22d, 1847, and for other purposes, was taken up on motion of Mr. SEGAR, read a second time, amended on his motion, and as amended ordered to be engrossed and read a third time.

No. 4. A bill incorporating the Virginia cannal coal company, with the amendments thereto proposed by the committee on agriculture and manufactures was taken up, and the first amendment having been amended on motions made by Mr. MOORE, and as amended agreed to, on motion of Mr. FERGUSON the same was laid upon the table.

No. 84. A bill to authorize county courts to establish public landings, with restrictions upon the public use thereof, was on motion of Mr. SMITH, ordered to be laid upon the table.

No. 101. A bill changing the time of holding the circuit superior courts of the counties of Rockbridge, Nelson and Albemarle, was read a second time, and on motion of Mr. WATSON, ordered to be committed to the committee which brought it in.

No. 114. A bill to amend the act, entitled "an act concerning the City of Norfolk," passed February 13th, 1845, was read a second time, amended on motions of Mr. ROBINSON and Mr. WORTHINGTON, and a further amendment was offered thereto by Mr. PRICE, and the same being under consideration,

On motion of Mr. WORTHINGTON, the house adjourned until to-morrow 12 o'clock.

TUESDAY, JANUARY 23, 1849.

Prayer by the Rev. MARTIN T. SUMNER, of the Baptist church.

The following communications from the senate by their clerk, were read:

IN SENATE, JANUARY 20, 1849.

The senate have agreed to the resolution for the election of certain officers of government; and to the preamble and resolutions on the subject of the Wilmot proviso and other kindred subjects, and in regard to slavery in the District of Columbia.

IN SENATE, JANUARY 22, 1849.

The senate have passed the bills, entitled

"An act divorcing Sarah Ann Raymond from her husband Henry P. Raymond," (No. 15;) and

"An act to provide for the repairs of the governor's house, and the purchase of furniture therefor." (No. 104.)

Mr. STROTHER, from the committee for courts of justice, presented a report upon the resolution for electing attorneys to prosecute pleas of the commonwealth; and the following bills:

No. 199. A bill providing for the attendance of witnesses before commissioners of assessment for railroad companies.

No. 200. A bill authorizing the common council of the town of Alexandria to make provision for the support of the poor of said town.

No. 201. A bill changing the time of holding the first quarterly term of the county court of Jackson.

No. 202. A bill divorcing Robert H. Mitchell from his wife Mary A.; and

No. 203. A bill extending the jurisdiction of the hustings court of Fredericksburg.

On motion of Mr. STROTHER,

Ordered, That the said committee be discharged from the consideration of the petition of Thomas Tavenner, and that the same be laid upon the table.

Mr. WHITTLE, from the committee of schools and colleges, presented the following bill:

No. 204. A bill incorporating the trustees of Shenandale college, in the county of Shenandoah.

Mr. LAYNE of Alleghany, from the committee on trade and mechanic arts, presented the following bill:

No. 205. A bill to extend to machinists and workers in iron the lien given to mechanics and others, for labour and materials expended in erecting or repairing houses.

Mr. MOORE, according to order, presented the following bill:

No. 206. A bill concerning the jurisdiction of a single justice.

On motion of Mr. MONCURE of Stafford,

Ordered, That the committee on the revision of the Civil Code be discharged from the consideration of the reports of the committee of propositions and grievances upon the resolution for amending the act

concerning conveyances, or devises of places of meeting of certain benevolent societies; and upon the resolution for providing by law for the assessment of damages occasioned by mill dams which were not foreseen and estimated by the jury first empaneled to enquire of damages; and from the consideration of the following bills:

No. 34. A bill authorizing in certain cases the transfer or removal of money or other personal property from the state.

No. 60. A bill concerning the appellate jurisdiction of the circuit superior courts of law and chancery.

No. 64. A bill authorizing three justices to constitute a court.

Mr. BUTT, from the committee to examine the register's office, presented a report upon the condition of that office.

A motion was made by Mr. MOORE, that 3000 copies of the resolutions relative to the Wilmot proviso and other kindred subjects, be printed for the use of the general assembly.

A motion was made by Mr. HARRISON of Prince William, to amend the said motion by striking out the words "three thousand," and inserting in lieu thereof the words "five thousand," and it was determined in the negative.

The question being put upon the original motion, was determined in the negative.

On motion of Mr. GRASTY,

Resolved, That the committee of propositions and grievances enquire into the expediency of authorizing the clerk of the county of Pittsylvania to execute a deed to Joshua P. Roach for certain lands therein sold for nonpayment of taxes thereon and purchased by him.

On motion of Mr. SYME,

Resolved, That the committee of propositions and grievances enquire into the expediency of authorizing the common hall of the town of Petersburg to extend its corporate limits, so as to embrace the lot near the Old Church, now owned by William Williams.

On motion of Mr. MONCURE of Stafford,

Resolved, That the committee on agriculture and manufactures enquire into the expediency of incorporating the following companies: "The Fluvanna Gold Mining Company,"—"The Rapid Ann Mining and Manufacturing Company," and "The Spottsylvania Gold Mining Company."

On motion of Mr. WOOD,

Resolved, That the committee on propositions and grievances enquire into the expediency of reporting a bill incorporating the Winchester and Harper's Ferry telegraph company.

On motion of Mr. WATSON,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of so amending the 17th section of the 14th chapter of the Criminal Code, as to give the right of appeal to persons therein mentioned, in like manner as is provided for in other cases to which the chapter refers.

On motion of Mr. STROTHER,

Resolved, That the committee of schools and colleges enquire into the expediency of providing for the purchase of the copy right of the

"Elements of Agriculture," by F. G. Skinner, for the use of the primary and academical schools of this commonwealth.

Mr. STROTHER then presented a copy of the said book, which was ordered to be referred to the said committee.

On motion of Mr. PANNILL,

Resolved, That the committee of roads and internal navigation enquire into the propriety of amending the charter of the Blue Ridge turnpike, passed March 25th, 1848.

On motion of Mr. WORTHINGTON,

Resolved, That the committee for courts of justice enquire into the expediency of so amending the act regulating proceedings in suits against corporations, passed March 17th, 1837, as to provide for the service of a summons on the agents of corporations.

On motion of Mr. PITTS,

Resolved, That the committee of propositions and grievances enquire into the expediency of reporting a bill to incorporate the Wheeling Masonic hall association.

On motion of Mr. TURNER, leave was granted to withdraw the petitions and documents presented at the last and present sessions of the legislature of citizens of the county of Patrick, relative to the annexation of a part of said county to the county of Henry.

Mr. TURNER presented a petition of John P. Carter and other citizens of the county of Patrick, for the establishment of a separate election in said county, and for the repeal of former laws establishing two separate elections in said county, which was ordered to be referred to the committee of propositions and grievances.

Mr. MASSEY presented a petition of the widow and executrix, and guardian of the heirs of Lorenzo Lewis, praying authority to exchange a small quantity of real estate, which was ordered to be referred to the committee for courts of justice.

No. 26. An engrossed bill to amend the act passed April 4th, 1848, entitled "an act amending the act, entitled 'an act concerning oysters and terrapins, and the penalties in regard to them,'" passed March 22d, 1847, and for other purposes, was read a third time and passed.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

No. 92. An engrossed bill concerning the jurisdiction of courts of chancery, was read a third time, and the question being put upon its passage, was determined in the negative. Ayes 54, noes 54.

On motion of Mr. TOWNES, the vote was recorded as follows:

AYES—Messrs. Finney, Hart, Smith, Powell, M'Cue, Mitchell, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, Kyle, Irvine of Campbell, Cardwell, Jones, Barbour, Irving of Cumberland, Vaughan, Clarke, Thomas, Howard of Floyd, Stillman, Edwards, Sydnor, Bailly, Stovall, Allen, Darracott, Lancaster, Mullins, Thomson of Jefferson, Laidley, Wallace, Webb, Ferguson, Barnett, Kilby, Perrow, Yerby, Booth, Pitts, Buswell, Turner, Syme, Townes, Cackley, Fairfax, Harrison of Prince William, Goff, Dorman, Aston, Fugate, Thompson of Smyth, Nicholson, George, Harvey and Boyd—54.

NOES—Messrs. Hopkins, (speaker,) Nock, Layne of Alleghany, Cheatham, Sheffey, Byrd, Burwell, Boak, Harrison of Brunswick, Moore, Wills, Moncure

of Caroline, Segar, Rector, Wood, Carroll, Price, Major, Hiatt, Welton, Bas-
 sel, Howard of James City, York and Williamsburg, Worthington, Houser,
 Lane of Lee, Harrison of Loudoun, Beard, Arnett, M'Donald, Shepard, Clen-
 denin, Coleman, Whittle, Tanzey, Beirne of Monroe, Gustin, Robinson, Butt,
 Hiner, Grasty, Wootton, Strother, Cook, Paxton, Martz, Harper, Pitman,
 Sibert, Moncure of Stafford, Hargrave, Burdett, Boyers, Massey and Good-
 son—54.

Resolved, That said bill be rejected.

No. 96. A bill imposing taxes for the support of government, with the amendment thereto proposed by Mr. DORMAN, was taken up, and with the leave of the house he withdrew the same, and then submitted another amendment.

A motion was made by Mr. YERRY to amend the amendment, and on motion of Mr. BARBOUR, the bill and proposed amendments were ordered to be laid upon the table and made the order of the day for to-morrow.

On motion of Mr. THOMPSON of Botetourt, the house adjourned until to-morrow 12 o'clock.

WEDNESDAY, JANUARY 24, 1849.

Prayer by the Rev. EDWARD KINGSFORD of the Baptist church.

Mr. STROTHER, from the committee for courts of justice, presented reports upon so much of the governor's message as relates to the county court system; upon resolutions for lessening the judicial circuits of the state; and for amending the law to require justices of the peace to perform court duties at their quarterly terms in rotation; and the following bills:

No. 207. A bill concerning executors who have qualified without giving security.

No. 208. A bill concerning free negroes and mulattoes.

No. 209. A bill to amend an act, entitled "an act amending the act regulating proceedings in suits against corporations;" and

No. 210. A bill concerning nonresident parties to suits.

On motion of Mr. STROTHER,

Ordered, That the said committee be discharged from the consideration of the petitions of R. D. Sanxay, presented at the present session, and that the same be laid upon the table.

Mr. JONES, from the committee of propositions and grievances, presented the following bills:

No. 211. A bill concerning Watsontown, in the county of Hampshire; and

No. 212. A bill to incorporate the Winchester and Harper's Ferry telegraph company.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bills:

No. 213. A bill to incorporate the Philippi and Buchanan turnpike company.

- No. 214. A bill to amend the act passed March 10th, 1847, incorporating the Monongahela navigation company.

No. 215. A bill concerning the Berryville and Charlestown turnpike company.

No. 216. A bill to amend the act passed March 25, 1848, incorporating the Kingwood and West Union turnpike company; and

No. 217. A bill to amend the act incorporating the Orange and Alexandria railroad company, passed March 27, 1848.

Mr. STOVALL, from the committee of finance, presented the following bill:

No. 218. A bill increasing the compensation of the commissioner of the revenue of the City of Richmond.

Mr. WILLS, from the committee on banks, presented the following bill:

No. 219. A bill to incorporate the Blacksburg savings institution in the county of Montgomery.

Mr. LANE of Lee, from the select committee on the subject of a convention to amend the state constitution, presented a report thereon.

On motion of Mr. BEIRNE of Monroe,

Resolved, That it be referred to the committee on banks to enquire into the expediency of establishing a savings bank in the town of Union, Monroe county, to be styled the Monroe savings bank.

On motion of Mr. STOVALL,

Resolved, That the committee of finance be instructed to enquire into the expediency of reporting a bill authorizing the payment to Thomas Green, such commissions as may be considered reasonable for his services as agent of the commonwealth, for prosecuting the claim of Virginia against the United States.

On motion of Mr. ROBINSON,

Resolved, That the committee of propositions and grievances enquire into the expediency of reporting a bill incorporating the Norfolk exporting and importing company.

On motion of Mr. TOWNES,

Resolved, That the committee on agriculture and manufactures be instructed to enquire into the expediency of appointing an agricultural chemist and mineralogist for the state of Virginia, on the plan adopted by the state of Maryland, or such other plan as may be suited to the wants of this state.

On motion of Mr. MAYO,

Resolved, That the committee of finance be instructed to enquire into the expediency of reporting a bill to permit Robert Walsh and the heirs of Anna M. Walsh, to pay the taxes upon certain lands.

On motion of Mr. HINER,

Resolved, That the committee on roads and internal navigation be instructed to enquire into the expediency of incorporating a joint stock company, upon the two and three fifths principle, to construct a railroad from the town of Alexandria, by Manassa's gap, Strasburg, Woodstock, Harrisonburg, and Jennings' gap, to the bridge across the Great Calpasture on the Staunton and Parkersburg road.

On motion of Mr. FAULKNER,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of incorporating a company for the construction of a macadamized road from Martinsburg in the county of Berkeley, to the Potomac river opposite to Williamsport in the state of Maryland.

On motion of Mr. WEBB,

Resolved, That the committee for courts of justice enquire into the expediency of amending the 6th and 7th sections, title 2d, chapter 4, of the act, entitled "an act to reduce into one the several acts concerning crimes and punishments, and proceedings in criminal cases," passed March 14th, 1848, so as to include in the value of the houses mentioned in such sections, the value of any property that may be therein contained.

On motion of Mr. HINER,

Resolved, That the attorney general of this commonwealth be directed to furnish to this house his opinion upon the report and papers submitted to him for that purpose by the committee on the armory at the last session of the legislature; and also his opinion upon the various questions now in controversy between lessees of the iron works on the armory lot and the superintendent of the said armory.

On motion of Mr. GOFF,

Resolved, That the committee on the militia laws enquire into the expediency of exempting a militia company of the 107th regiment in the county of Randolph, now commanded by Capt. Thompson Elza, from attending the regimental musters of said regiment.

On motion of Mr. SYME,

Resolved, That the committee of finance enquire into the expediency of increasing the compensation of the commissioner of the revenue in the town of Petersburg.

On motion of Mr. STOVALL,

Ordered, That leave be given to John M. Seely to withdraw the papers presented at the last session of the legislature to support his claim against the commonwealth.

Mr. SHEFFEY presented a letter of Charles Andrew Geyer, 4000 copies of which were ordered to be printed for the use of the general assembly. [Doc. No. 49.]

Mr. ROBINSON presented a petition of citizens of the City of Norfolk, for the incorporation of a company to construct a railroad from the said city to the town of Lynchburg.

Mr. WILLS presented a petition of John C. Page and others, citizens of the counties of Cumberland, Appomattox and Campbell, asking that no more of the public money be appropriated to the James river improvement, but that the funds on hand be applied to the Southside connections.

Ordered, That said petitions be referred to the committee of roads and internal navigation.

Mr. PIRTS presented a petition of citizens of the City of Wheeling, praying the passage of laws restraining resident brokers from speculating in the currency of the state, and drawing from the banks their

specie for exportation, and for other purposes, which was ordered to be referred to the committee of finance.

Mr. COOK presented a petition of citizens of the county of Roanoke, asking to change the location of a separate election from Stoner's store to the Big Lick in said county.

Mr. ARNETT, a petition of Thomas L. Boggiss and Marmaduke Hoult, for the incorporation of a company to construct a bridge across the Monongahela river, at the mouth of Coal run.

Mr. SYDNOR, a petition of citizens of the town of Winchester, for the passage of an act incorporating the Union hotel company in said town.

Ordered, That said petitions be referred to the committee of propositions and grievances.

Mr. THOMAS presented a petition of Mrs. Eliza J. Wilson, asking to be allowed to cut and sell timber from the land of her ward, which was ordered to be referred to the committee for courts of justice.

No. 92. On motion of Mr. SEGAR, the rule of the house was suspended, and the vote rejecting the engrossed bill concerning the jurisdiction of courts of chancery was reconsidered; the said rule was then further suspended, and the vote ordering said bill to be engrossed was reconsidered, and the said bill was ordered to be committed to the committee which brought it in.

No. 66. A bill divorcing Lucy W. Norman from her husband James B. Norman, was taken up on motion of Mr. SCOTT, read the first and ordered to be read a second time.

No. 96. A bill imposing taxes for the support of government, with the amendment thereto proposed by Mr. DORMAN, and the amendment to said amendment proposed by Mr. YERBY, was taken up; thereupon a motion was made by Mr. THOMPSON of Botetourt, that the said bill be committed with instructions to the committee to take into consideration other subjects for raising additional taxes, and to raise the present taxes 25 per cent.; Mr. SYME demanded that the main question be now put, and it was sustained by the house, and being put, the motion to commit with the instructions was determined in the negative. Ayes 26, noes 84.

On motion of Mr. SYME, the vote was recorded as follows:

AYES—Messrs. Layne of Alleghany, Byrd, Burwell, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, Moore, Wills, Irving of Cumberland, M'Clung, Baily, Price, Laidley, Ferguson, Clendenin, Barnett, Perrow, Hiner, Cackley, Fairfax, Goff, Paxton, Pitman, Sibert, Thompson of Smyth, George, Harvey and Boyd—26.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Watson, Smith, Powell, Cheatham, M'Cue, Sheffey, Mitchell, Boak, Harrison of Brunswick, Kyle, Moncure of Caroline, Cardwell, Jones, Barbour, Vaughan, Clarke, Thomas, Scott, Rector, Howard of Floyd, Stillman, Claiborne, Edwards, Wood, Sydnor, Carroll, Stovall, Major, Allen, Hiatt, Darracott, Welton, Bassel, Lancaster, Mullins, Boykin, Howard of James City, York and Williamsburg, Worthington, Wallace, Houser, Webb, Lane of Lee, White, Beard, Newman, Arnett, M'Donald, Shepard, Coleman, Tanzey, Beirne of Monroe, Kilby, Robinson, Butt, Cowper, Yerby, Basye, Pitts, Pannill, Buswell, Turner, Syme, Townes, Grasty, Wootton, Harrison of Prince William, Mayo, Cook, Dorman, Martz, Harper, Aston, Fugate, Conway, Hargrave, Nicholson, Burdett, Boyers, Massey, Goodson and Collins—84.

A motion was then made by Mr. LAIDLEY, that the said bill and amendments be committed with instructions to take into consideration the propriety of raising the taxes on the present subjects of taxation not exceeding 20 per cent. or of introducing new subjects.

A motion was made by Mr. COOK to amend the said instructions by striking therefrom the words "*not exceeding 20 per cent. or of introducing new subjects.*"

A motion was then made by GOODSON, that the said bill and amendments and instructions be laid upon the table, and it was determined in the negative. Ayes 47, noes 65.

On motion of Mr. YERBY, the vote was recorded as follows:

AYES—Messrs. Hart, Watson, Smith, Layne of Alleghany, Powell, M'Cue, Sheffield, Byrd, Mitchell, Burwell, Byrne of Braxton, Lewis and Gilmer, Wills, Barbour, Irving of Cumberland, Segar, Thomas, Rector, M'Clung, Baily, Price, Allen, Welton, Ferguson, M'Donald, Clendenin, Beirns of Monroe, Barnett, Perrow, Pitts, Pannill, Boswell, Hiner, Fairfax, Goff, Strother, Mayo, Cook, Paxton, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, George, Goodson, Collins and Boyd—47.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Cheatham, Faulkner, Boak, Thompson of Botetourt, Harrison of Brunswick, Kyle, Moore, Moncure of Caroline, Cardwell, Jones, Vaughan, Clarke, Scott, Howard of Floyd, Stillman, Claiborne, Edwards, Wood, Sydnor, Clopton, Carroll, Stovall, Major, Hiett, Darracott, Bassel, Lancaster, Mollins, Boykin, Howard of James City, York and Williamsburg, Worthington, Laidley, Wallace, Houser, Webb, Lane of Lee, Beard, Harris, Newman, Shepard, Coleman, Tanzey, Kilby, Batt, Cowper, Yerby, Basye, Turner, Syme, Townes, Grasty, Wootton, Harrison of Prince William, Dorman, Martz, Harper, Hargrave, Nicholson, Burdett, Boyers, Massey and Harvey—65.

With the leave of the house, Mr. COOK then withdrew his amendment to the instructions, and Mr. LAIDLEY withdrew his motion to commit with the said instructions.

The question then recurred upon the amendment submitted by Mr. YERBY to the amendment submitted by Mr. DORMAN.

The said amendment of Mr. DORMAN is the following:

And for the purpose of extending the right of suffrage to all housekeepers and heads of families within this commonwealth, who would not otherwise be entitled to exercise that right under the constitution and laws now in force:

Be it further enacted, That a tax of five cents shall be assessed, collected and paid upon the household furniture of every free white male citizen of this commonwealth, who is a housekeeper and head of a family, and who shall not be assessed with any part of the revenue of the commonwealth, under and by virtue of the preceding provisions of this act.

The motion of Mr. YERBY proposed to strike from said amendment the preamble, and the question being put thereupon was determined in the negative.

The question recurred upon the amendment submitted by Mr. DORMAN, and being under consideration,

On motion of Mr. SYME, the house adjourned until to-morrow 12 o'clock.

THURSDAY, JANUARY 25, 1849.

Prayer by the Rev. J. L. REYNOLDS of the Baptist church.

A communication from the senate by their clerk was read as follows:

IN SENATE, JANUARY 22, 1849.

The senate have passed the bills, entitled

"An act releasing to John A. Kinnaird, sheriff of Wood county, the amount of a judgment of the general court," (No. 19;) and

"An act concerning Samuel S. Simmons, adjutant of the 98th regiment." (No. 79.)

Mr. SCOTT, from the committee for courts of justice, presented a report upon the resolution for extending the right of voting to all white male citizens aged 21 years, who are housekeepers and heads of families; and reported with an amendment the following bill:

No. 92. A bill concerning the jurisdiction of courts of chancery.

Mr. WHITTLE, from the committee of schools and colleges, presented reports upon the resolution for reporting bill No. 199 of the last session, loaning to the seminary at Weston the proceeds of sales of forfeited lands; and upon the petition of Nancy A. Daily; and the following bill:

No. 220. A bill to extend the charter of the Franklin society and library company of Lexington.

A motion was made by Mr. WHITTLE, that the said committee be discharged from the consideration of the resolution relative to purchasing the copy right of Skinner's Elements of Agriculture; thereupon, on motion of Mr. SYME, the said motion was laid upon the table.

Mr. POWELL, from the committee of claims, presented the following bills:

No. 221. A bill releasing to Washington Skelton a certain fine imposed by the circuit superior court of law and chancery for King & Queen county.

No. 222. A bill concerning John E. Baker, adjutant of the 25th regiment of Virginia militia; and

No. 223. A bill concerning the heirs and distributees of John Wood-sides, deceased.

Mr. STOVALL, from the committee of finance, presented the following bills:

No. 224. A bill authorizing the county court of Chesterfield to reassess the lands of the Creek company of colliers; and

No. 225. A bill concerning George W. Snelling, deputy of W. W. Hancock, sheriff of Chesterfield county.

Mr. DARRACOTT, from the committee on agriculture and manufactures, presented the following bills:

No. 226. A bill to incorporate the Rapid Ann mining and manufacturing company.

No. 227. A bill to incorporate the Fluvanna gold mining company.

No. 228. A bill incorporating the Northeast gold mining company.

No. 229. A bill to incorporate the Spottsylvania gold mining company; and

No. 230. A bill changing the name of the Striderian manufacturing company.

Mr. SYME, from the committee on banks, presented the following bill:

No. 231. A bill to incorporate the Pocahontas savings bank.

Mr. SEGAR, according to order, from a select committee, presented the following bill:

No. 232. A bill establishing and regulating rates of pilotage in certain of the waters of Virginia.

Mr. FAULKNER, from the committee appointed to enquire into the existing legislation of congress upon the subject of fugitive slaves, and to suggest such additional legislation as may be proper, presented a report.

On motion of Mr. MASSEY,

Ordered, That 5000 copies of said report be printed for the use of the general assembly. [Doc. No. 50.]

Mr. JONES, from the committee of propositions and grievances, presented the following bill:

No. 233. A bill providing for taking the sense of the citizens of Middlesex county upon the removal of the seat of justice for said county.

On motion of Mr. CHEATHAM,

Resolved, That the committee on the militia laws enquire into the expediency of authorizing the governor to exchange the arms furnished Capt. Nowlin's troop of cavalry of the county of Appomattox.

On motion of Mr. SEGAR,

Resolved, That the committee of roads and internal navigation enquire into the expediency of uniting the offices of superintendent of the public guard and chief engineer of the state in one and the same subject.

On motion of Mr. ROBINSON,

Resolved, That the committee on finance enquire into the expediency of increasing the compensation of the commissioner of the revenue in the City of Norfolk.

On motion of Mr. KILBY,

Resolved, That the committee for courts of justice enquire into the expediency of authorizing the several county courts in this commonwealth to appoint a county surveyor, whether he may reside in the county or not.

On motion of Mr. WATSON,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of so amending the laws concerning divorces, as to allow suits therefor to be brought in the county where the parties last lived together as man and wife, whether process can be served in such county or not.

On motion of Mr. LANE of Lee,

Resolved, That the committee on revision be instructed to enquire into the expediency of amending and modifying the revenue laws of the commonwealth, so as to require the county courts of each county to lay off the districts of the commissioners of the revenue into

smaller districts, not exceeding five, and to compel all persons resident therein, subject to a county or state tax, to assemble at a time and place to be designated by the commissioner of the revenue, and render a list of their taxable property; and so as not to require the commissioner to deliver a copy of the books to the auditor, (but in lieu thereof to require the clerk of the court to certify a copy of the recapitulation in the land and property books,) nor a copy of the property book to the former commissioner; and also, so as to reduce the compensation of said commissioners in proportion to the reduction of their labours.

On motion of Mr. FAULKNER,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of incorporating a company to construct a macadamized road from Martinsburg in the county of Berkeley, to some point where it may intersect the Shepherdstown and Smithfield turnpike; and also to enquire into the expediency of allowing to the county of Berkeley, in part of the individual subscription to be required by the act, the costs of a permanent stone bridge recently erected across the Opequon, at some fair appraisement valuation.

On motion of Mr. HOWARD of Williamsburg,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of passing a law, giving to the circuit superior courts of law and chancery of this commonwealth, concurrent jurisdiction with the county courts over all sums over twenty dollars.

Mr. TOWNES presented a petition of Charles Lovelace, asking to be compensated for keeping, committing and releasing, and for clothing certain lunatics, which was ordered to be referred to the committee of claims.

On motion of Mr. MOORE, leave was granted to withdraw the petition of Epps Johnson, presented at the last session of the general assembly, praying to be released from the payment of a fine; thereupon he again presented the said petition, and it was ordered to be referred to the committee of claims.

Mr. COLLINS presented a petition of the Little Kanawha bridge company for the passage of an act allowing the purchase of a certain ferry across the Little Kanawha river, and for regulating and using the same, which was ordered to be referred to the committee of roads and internal navigation.

Mr. WORTHINGTON presented a petition of citizens of the town of Harper's Ferry and its vicinity, for the grant of a lottery for the purposes of the Harper's Ferry female institute; which was ordered to be referred to the committee of schools and colleges.

Mr. KILBY presented a petition of the heirs of Edwin Ricks, for the release of the commonwealth's right to certain land in the county of Southampton, which was ordered to be referred to the committee for courts of justice.

On motion of Mr. McCLUNG, the following report of the committee of propositions and grievances was taken up and read:

The committee of propositions and grievances have, according to order, had under consideration the petition and accompanying documents of sundry citizens of the county of Fayette, to them referred, praying the passage of an act to establish a new county of a part of said county, according to certain boundary lines therein described, with the seat of justice at or near the 46th mile post, on the James river and Kanawha turnpike road, where the road known by the name of *the Sunday road*, leaves said turnpike to Nicholas courthouse, by the way of Carnifix's ferry; with a copy of notice and poll books, shewing a state of the vote for and against the same at the last spring elections: Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners *be rejected*, for informality in proceedings and noncompliance with the law regulating applications for new counties.

A motion was made by Mr. M'CLUNG, that the said report be recommitted with instructions to examine the petitions and memorials relating thereto, upon their merits, and it was determined in the negative.

The said resolution was then agreed to by the house.

On motion of Mr. M'CLUNG, the following report of the same committee was taken up, read and agreed to:

The committee of propositions and grievances have, according to order, had under consideration the petition and documents of sundry citizens of the county of Fayette, to them referred, praying the establishment of a new county out of part of said county, according to certain boundary lines therein described, to be called *Raleigh county*, with the seat of justice at the forks of the Giles, Fayette and Kanawha turnpike road, where a town by the name of Beckley has been established by act of assembly, accompanied by a copy of notice and pollbooks; and also the petition of sundry other citizens of said county, residing out of the boundary proposed for such new county, in favour of the same, but opposed, as they state, to another plan for a certain other new county proposed to be formed of a different part of said county of Fayette: Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners be rejected for informality of the proceedings and noncompliance with the law regulating applications for new counties.

No. 96. A bill imposing taxes for the support of government, with the amendment thereto proposed by Mr. DORMAN, was taken up; the said amendment proposed to insert before the tax on lands the following provision:

"And for the purpose of extending the right of suffrage to all housekeepers and heads of families within this commonwealth, who would not otherwise be entitled to exercise that right under the constitution and laws now in force:

"*Be it further enacted*, That a tax of ten cents shall be assessed, collected and paid upon the household furniture of every free white male citizen of this commonwealth, who is a housekeeper and head of a family, and who shall not be assessed with any part of the revenue of the commonwealth, under and by virtue of the preceding provisions of this act."

A motion was made by Mr. SHEFFEY, to amend the said amendment by striking out the whole thereof and inserting in lieu thereof the following:

"Upon the household furniture of every white male citizen who is a housekeeper and head of a family ten cents."

And the question being put thereupon, was determined in the negative. Ayes 22, noes 85.

On motion of Mr. BASSEL, the vote was recorded as follows:

AYES—Messrs. Hart, Layne of Alleghany, Sheffey, Burwell, Segar, Thomas, Scott, Rector, Stillman, Clopton, Lancaster, Howard of James City, York and Williamsburg, Worthington, Laidley, Shepard, Clendenin, Buswell, Hiner, Goff, Pitman, Sibert and Boyd—22.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Watson, Smith, Powell, Cheatham, M'Cue, Byrd, Mitchell, Boak, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, Harrison of Brunswick, Kyle, Moore, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Jones, Irving of Cumberland, Vaughan, M'Clung, Howard of Floyd, Claiborne, Edwards, Wood, Sydnor, Baily, Carroll, Stovall, Major, Allen, Hiatt, Darracott, Welton, Bassel, Mullins, Wallace, Houser, Lane of Lee, Ferguson, Harris, Newman, Arnett, M'Donald, Coleman, Tanzey, Beirne of Monroe, Barnett, Kilby, Robinson, Butt, Cowper, Yerby, Pitts, Pannill, Turner, Syme, Townes, Grasty, Cackley, Fairfax, Wootton, Rives, Harrison of Prince William, Mayo, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Thompson of Smyth, Hargrave, Nicholson, Burdett, George, Boyers, Massey, Goodson, Harvey and Collins—85.

A motion was made by Mr. BYRD to amend said amendment by substituting therefor the following:

"*Be it further enacted*, That there shall be assessed on every dog within this commonwealth ten cents."

And it was determined in the negative.

A motion was made by Mr. HARRIS to amend the amendment by striking therefrom the word "ten" and inserting in lieu thereof the word "five," and it was determined in the negative.

A motion was made by Mr. NOCK to amend said amendment by adding thereto the following:

"*Provided however*, That no such assessment shall be made against the consent of any such citizen."

And it was determined in the negative.

The question recurred upon the adoption of the said amendment proposed by Mr. DORMAN, and was determined in the affirmative. Ayes 56, noes 51.

On motion of Mr. DORMAN, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Smith, Layne of Alleghany, Cheatham, M'Cue, Faulkner, Boak, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, Moore, Barbour, M'Clung, Howard of Floyd, Baily, Carroll, Allen, Hiatt, Welton, Bassel, Laidley, Wallace, Lane of Lee, Ferguson, Harris, Newman, Arnett, M'Donald, Beirne of Monroe, Barnett, Robinson, Yerby, Pitts, Pannill, Buswell, Turner, Hiner, Cackley, Fairfax, Harrison of Prince William, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Burdett, George, Boyers, Massey, Goodson and Collins—56.

NOES—Messrs. Hart, Watson, Powell, Byrd, Mitchell, Burwell, Harrison of Brunswick, Kyle, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Cardwell, Jones, Irving of Cumberland, Vaughan, Segar, Thomas, Scott, Rector, Stillman, Claiborne, Edwards, Wood, Sydnor, Clopton, Stovall, Major, Darracott, Lancaster, Mullins, Howard of James City, York and Williamsburg, Worthington, Houser, Clendenin, Coleman, Tanzey, Kilby, Butt, Cowper, Syme, Townes, Grasty, Wootton, Rives, Goff, Mayo, Hargrave, Nicholson, Harvey and Boyd—51.

The said bill was then further amended on motions severally made. Some days since an amendment was agreed to by the house on motion of Mr. WORTHINGTON.

On motion of Mr. PITTS the rule of the house was suspended, and the vote adopting the same was reconsidered; thereupon he submitted an amendment to said amendment, which being under consideration,

On motion of Mr. STOVALL, the house adjourned until to-morrow 12 o'clock.

FRIDAY, JANUARY 26, 1849.

Prayer by the Rev. EDWARD KINGSFORD of the Baptist church.

A communication from the senate, by their clerk, was read as follows:

IN SENATE, JANUARY 23, 1849.

The senate have passed the bill, entitled

“An act concerning Stephen Kent, administrator of Nicholas Cole, deceased.” (No. 80.)

The SPEAKER laid before the house a communication from the attorney general, in response to the resolution of the 24th instant, calling for information relative to his proceedings against the Armory iron company; which, on motion of Mr. SYME, was laid upon the table and ordered to be printed. [Doc. No. 51.]

The SPEAKER also submitted a communication from Judge Richard H. Baker, relative to reflections cast upon his official acts by the governor in his message relative to the case of Hunter Hill, which being read, on motion of Mr. COWPER, was laid upon the table, and 500 copies thereof were ordered to be printed. [Doc. No. 52.]

Mr. STROTHER, from the committee for courts of justice, presented a report upon the petition of Esther Maria Lewis; and the following bill:

No. 233. A bill for the relief of Leroy M. Wilson.

Mr. WHITTLE, from the committee of schools and colleges, presented the following bills:

No. 234. A bill for the relief of J. D. Imboden, as treasurer of schools for Augusta county; and

No. 235. A bill to suspend, on certain conditions, the payment of interest on the loan to Emory and Henry college.

Mr. JONES, from the committee of propositions and grievances, presented the following bills:

No. 236. A bill to change the place of holding a separate election in the county of Wirt.

No. 237. A bill to protect and regulate ferry rights in the county of Wayne.

No. 238. A bill for the protection of persons engaged in destroying wolves in the county of Hardy.

No. 239. A bill to authorize a separate election at the house of John F. Petty, in the county of Wirt.

No. 240. A bill to authorize a separate election at the house of George J. Davis, in the county of Doddridge; and

No. 241. A bill to authorize a separate election at the house of Jacob Guseman, in the county of Preston.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bills:

No. 242. A bill to amend the act passed March 1st, 1847, entitled "an act to increase the capital stock of the Staunton and James river turnpike company, for the purpose of M'Adamizing their road."

No. 243. A bill to incorporate the Hillsborough and Harper's Ferry turnpike company.

No. 244. A bill releasing the Rivanna navigation company from any forfeiture of its charter on account of failure to construct its work upon the scale prescribed in the charter.

No. 245. A bill to provide for the construction of the Tazewell courthouse and Fancy gap turnpike road; and

No. 246. A bill for the survey of a route for a railroad from the Louisa railroad to the Lynchburg and Tennessee railroad.

On motion of Mr. JONES,

Ordered, That the committee of propositions and grievances be discharged from the consideration of the resolution for the formation of a company for mining for lead, silver and gold in the counties of Albemarle and Nelson; and on motion of Mr. PERROW the same was ordered to be referred to the committee on agriculture and manufactures.

Mr. SYME, from the committee on banks, presented the following bill:

No. 247. A bill to establish a bank at Scottsville in the county of Albemarle.

On motion of Mr. LAIDLEY,

Resolved, That the committee for courts of justice enquire into the expediency of providing by law for supplying, at the public charge, the several clerks of the circuit superior courts of law and chancery within this commonwealth, with the reports of decisions of our general court and of our supreme court of appeals.

On motion of Mr. SYME,

Resolved, That the Board of public works report to this house a communication made to them by N. M. Martin, Esq., in reply to the communication of James Lyons, Esq.

On motion of Mr. PITMAN,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the propriety of so amending the several acts concerning the eastern section of the Hardy and Winchester turnpike,

as to increase the subscription thereto by the state to three fifths, and thus place both sections of the road on the same footing.

On motion of Mr. LAYNE of Alleghany,

Resolved, That the committee on roads and internal navigation enquire into the expediency of incorporating a company to construct a turnpike road from some point at or near the Red Sweet springs in the county of Alleghany, to the James river at Skirkey's mills in Botetourt county.

On motion of Mr. IRVING of Cumberland,

Resolved, That the committee for courts of justice enquire into the expediency of amending the law in relation to real assets, so as to render all debts of decedents chargeable thereon equally.

Mr. JONES presented a memorial of citizens of the county of Accomack, remonstrating against the division of said county.

Mr. NOCK, a petition of other citizens of said county, asking for the formation of a new county out of part thereof.

Ordered, That said petitions be laid upon the table.

Mr. COOK presented a petition of citizens of the county of Montgomery, praying that either the Farmers Bank of Virginia, or the Exchange Bank, may be authorized to establish a branch bank at the town of Salem, which was ordered to be referred to the committee on banks.

Mr. STROTHER presented a petition of the executor of Capt. Isaac Browning, asking to be allowed his half-pay as a captain in the revolutionary war.

Also a petition of the executor of Capt. Bernard Glenn, asking to be allowed in like manner his half-pay for similar services.

Mr. CLENDENIN, a petition of John P. Thomasson, praying remuneration for his services as commissioner of the revenue for the county of Wirt for the year 1848.

Ordered, That said petitions be referred to the committee of finance.

Mr. WEBB presented a petition of the Lancaster artillery, asking that their company may be furnished with small arms, which was ordered to be referred to the committee on the militia laws.

No. 96. A bill imposing taxes for the support of government, was taken up, and, with the leave of the house, the amendments which were pending when the house adjourned on yesterday, were withdrawn.

A motion was made by Mr. MASSEY, that the rule of the house be suspended for the purpose of reconsidering the vote by which the amendment submitted by Mr. DORMAN was adopted on yesterday.

The said amendment is the following :

"And for the purpose of extending the right of suffrage to all housekeepers and heads of families within this commonwealth, who would not otherwise be entitled to exercise that right under the constitution and laws now in force :

"*Be it further enacted*, That a tax of five cents shall be assessed, collected and paid upon the household furniture of every free white male citizen of this commonwealth, who is a housekeeper and head of a family, and who shall not be assessed with any part of the revenue of the commonwealth, under and by virtue of the preceding provisions of this act."

The question upon the suspension of the rule being under consideration, Mr. STOVALL demanded that the main question be now put, and it was sustained by the house; and the question being put upon suspending the rule for the purpose indicated, was determined in the negative. Ayes 55, noes 56.

On motion of Mr. STOVALL, the vote was recorded as follows:

AYES—Messrs. Hart, Watson, Powell, M'Cue, Sheffey, Byrd, Mitchell, Burwell, Harrison of Brunswick, Kyle, Wills, Moncure of Caroline, Lacy, Cardwell, Jones, Segar, Clarke, Thomas, Rector, Stillman, Edwards, Wood, Sydnor, Clopton, Stovall, Major, Darracott, Welton, Lancaster, Mullins, Howard of James City, York and Williamsburg, Worthington, Webb, White, Harrison of Loudoun, Beard, Clendenin, Coleman, Whittle, Tanzey, Perrow, Basye, Booth, Pannill, Syme, Townes, Grasty, Wootton, Rives, Goff, Mayo, Moncure of Stafford, Massey, Harvey and Boyd—55.

NOES—Messrs. Hopkins, (speaker,) Nock, Smith, Layne of Alleghany, Cheatham, Boak, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, Moore, Barbour, M'Clung, Howard of Floyd, Baily, Carroll, Price, Allen, Hiatt, Bassel, Thomson of Jefferson, Laidley, Lane of Lee, Ferguson, Harris, Newman, Arnett, Beirne of Monroe, Barnett, Kilby, Robinson, Butt, Cowper, Yerby, Pitts, Buswell, Turner, Hiner, Cackley, Fairfax, Herbert, Harrison of Prince William, Strother, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Burdett, George, Boyers, Goodson and Collins—56.

The question was then put upon engrossing said bill as amended, and was determined in the affirmative. Ayes 83, noes 28.

On motion of Mr. SYME, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Nock, Smith, Layne of Alleghany, Powell, Cheatham, M'Cue, Sheffey, Mitchell, Burwell, Boak, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, Kyle, Moore, Wills, Jones, Barbour, Segar, Clarke, Thomas, M'Clung, Howard of Floyd, Edwards, Sydnor, Baily, Carroll, Price, Allen, Hiatt, Welton, Bassel, Worthington, Thomson of Jefferson, Laidley, Houser, Webb, Lane of Lee, Ferguson, Harris, Newman, Arnett, Shepard, Clendenin, Tanzey, Beirne of Monroe, Barnett, Kilby, Robinson, Butt, Cowper, Yerby, Basye, Pitts, Pannill, Buswell, Turner, Hiner, Cackley, Fairfax, Herbert, Harrison of Prince William, Strother, Mayo, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Moncure of Stafford, Burdett, George, Boyers, Massey, Goodson, Collins and Boyd—83.

NOES—Messrs. Hart, Watson, Byrd, Moncure of Caroline, Lacy, Cardwell, Rector, Stillman, Wood, Clopton, Stovall, Major, Darracott, Lancaster, Mullins, Howard of James City, York and Williamsburg, Beard, Coleman, Whittle, Perrow, Booth, Syme, Townes, Grasty, Wootton, Rives, Goff and Harvey—28.

On motion of Mr. FINNEY, the house adjourned until to-morrow 12 o'clock.

SATURDAY, JANUARY 27, 1849.

Prayer by the Rev. MARTIN T. SUMNER of the Baptist church.

A communication from the senate by their clerk was read as follows:

IN SENATE, JANUARY 24, 1849.

The senate have passed the bills, entitled

"An act authorizing a separate election at the house of Thomas Miller, in the county of Braxton," (No. 93;) and

"An act authorizing a separate election at the house late the residence of Adam Rosenbaum senior, deceased, in the county of Wythe." (No. 94.)

Mr. SCOTT, from the committee for courts of justice, presented reports upon resolutions for giving to the circuit superior courts concurrent jurisdiction with the county courts on all sums over twenty dollars; and for amending the 41st section of the act concerning wills.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bills:

No. 248. A bill providing for the improvement of the navigation of Twelve Pole river.

No. 249. A bill authorizing a subscription on behalf of the commonwealth to the capital stock of the Richmond and Pamunkey railroad company.

Mr. FAULKNER, from the joint committee on the public library, presented a report upon the condition of the library.

Mr. PANNILL, from a select committee, presented the following bills:

No. 250. A bill providing for the punishment of free negroes; and

No. 251. A bill to take the sense of the people on the deportation of free negroes.

Mr. MONCURE of Stafford, from the committee on the revision of the Civil Code, presented a report upon the progress made by said committee in the revision of the Code, and making sundry recommendations; which report on his motion, was ordered to be laid upon the table and be printed. [Doc. No. 53.]

On motion of Mr. WOOD,

Resolved, That the committee of finance be directed to enquire into the expediency of extending the time allowed to the widow and heirs of John Hopkins, deceased, for paying the taxes on certain lands in Western Virginia, as authorized by an act passed 12th January 1844; and also of refunding the surplus of such forfeited lands as were sold before the passage of the act referred to.

On motion of Mr. HINER,

Resolved, That the committee on agriculture and manufactures be instructed to enquire into the expediency of creating the office of weigh and measure master, in the City of Richmond, and such other cities and towns as may be deemed necessary, for the purpose of weighing or measuring all wheat and other grain that may be offered for sale in the city or town where such office may be established.

On motion of Mr. TANZEY,

Resolved, That the committee of roads and internal navigation enquire into the expediency of appropriating the sum of \$ 10,000 to macadamize the Fishing creek and Ice's ferry roads from Morgantown to the Pennsylvania line.

Mr. KILBY presented a petition of William W. Wright, praying that the clerk of the county court of Norfolk may be authorized to make him a deed for land sold as delinquent, and purchased by him.

Mr. CONWAY, a petition of Thomas Wright, asking to be allowed compensation for attending as a witness in a commonwealth's case before the mayor of the City of Richmond.

Mr. PITTS, a petition of James Henry Robinson, asking to be divorced from his wife.

Ordered, That said petitions be referred to the committee for courts of justice.

Mr. KILBY presented a petition of the Nansemond company of cavalry, asking to be allowed to exchange their arms, which was ordered to be referred to the committee on the militia laws.

Mr. SCOTT presented a petition of James Cooke of the town of Fredericksburg, praying a modification of the act for the suppression of the circulation of small notes, which was ordered to be laid upon the table.

Mr. THOMAS presented a petition of the Chesapeake and Ohio canal company, asking the aid of the state to enable the said company to place the portion of their canal below Dam No. 6 in complete repair.

Mr. TANZEY, a petition of Joshua Eddy, praying to be compensated for work done by him on the Smithfield and Fishing creek road.

Also a petition of Levi Low, asking that said Low may be authorized to increase the height of his wing dam on the Monongahela river; and

A petition of Thomas Farr, asking also to be compensated for work done by him on the Smithfield and Fishing creek road.

Ordered, That said petitions be referred to the committee of roads and internal navigation.

Mr. PITTS presented a petition of citizens of the City of Wheeling, asking that the banks of the commonwealth may be protected against brokers, which was ordered to be referred to the committee on banks.

Mr. PRICE presented a petition of citizens of the county of Kanawha, praying for a repeal of the district free school system in said county, which was ordered to be referred to the committee of schools and colleges.

According to the joint order of the day, the house proceeded by joint vote with the senate to the election of a brigadier general for the eighth brigade; thereupon Mr. RIVES nominated *Col. Francis M. Boykin*; Mr. KILBY nominated *Col. Hugh H. Kelly*, and Mr. COWPER nominated *Col. Josiah Thomas*; and the senate were informed thereof by Mr. RIVES.

A message was received from the senate by Mr. DANIEL, who informed the house that the name of *Col. Fielding J. Mahone* had been added to the nomination in the senate.

The vote was then recorded as follows :

For Col. Boykin—Messrs. Hopkins, (speaker,) Finney, Nock, Hart, Layne of Alleghany, Boisseau, Powell, Cheatham, M'Cue, Burwell, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Moore, Moncure of Caroline, Lacy, Cardwell, Barbour, Irving of Cumberland, Thomas, M'Clung, Stillman, Claiborne, Edwards, Wood, Sydnor, Baily, Clopton, Guerrant, Carroll, Price, Stovall, Major, Darracott, Bassel, Mullins, Howard of James City, York and Williamsburg, Worthington, Laidley, Houser, Lane of Lee, Ferguson, Harris, Newman, Arnett, M'Donald, Coleman, Tanzey, Beirne of Monroe, Robinson, Butt, Yerby, Basye, Booth, Pannill, Buswell, Hiner, Townes, Herbert, Wootton, Rives, Harrison of Prince William, Goff, Mayo, Cook, Dorman, Paxton, Martz, Harper, Fugate, Pitman, Sibert, Thompson of Smyth, Hargrave, George, Massey, Goodson, Collins and Boyd—80.

For Col. Kelly—Messrs. Byrd, Barnett and Kilby—3.

For Col. Thomas—Messrs. Watson, Smith, Sheffey, Mitchell, Faulkner, Boak, Kyle, Wills, Segar, Clarke, Scott, Rector, Howard of Floyd, Allen, Hiatt, Welton, Thomson of Jefferson, Wallace, Webb, White, Beard, Clendenin, Perrow, Cowper, Turner, Grasty, Cackley, Fairfax, Aston, Burdett, Boyers and Harvey—32.

Ordered, That Messrs. Rives, Kilby, Cowper, Hargrave and Butt be a committee to act jointly with a committee from the senate to ascertain the state of the joint vote ; and Mr. RIVES reported that vote to be, for *Col. Boykin* 100 ; for *Col. Kelly* 3 ; for *Col. Thomas* 38 ; for *Col. Mahone* none ; thereupon, Col. FRANCIS M. BOYKIN was declared duly elected a brigadier general for the eighth brigade of militia.

The house, according to the farther order of the day, proceeded by joint vote with the senate to the election of a brigadier general for the third brigade ; thereupon, Mr. DORMAN nominated *Col. William S. Loving* ; Mr. HART nominated *Col. George Washington Harris* ; Mr. PANNILL nominated *Maj. Terisha W. Dillard* ; Mr. HARRIS nominated *Col. Andrew B. Swift* and *Maj. Clayton G. Coleman* ; and the senate having been informed thereof by Mr. DORMAN, and no person having been added to the nomination in that house, the vote was recorded as follows :

For Col. Loving—Messrs. Finney, Nock, Smith, Layne of Alleghany, Boisseau, M'Cue, Sheffey, Mitchell, Boak, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, Wills, Segar, Clarke, Rector, M'Clung, Howard of Floyd, Stillman, Guerrant, Price, Allen, Thomson of Jefferson, Webb, White, Beard, M'Donald, Barnett, Perrow, Cowper, Pitts, Turner, Grasty, Fairfax, Herbert, Goff, Mayo, Cook, Dorman, Paxton, Harper, Aston, Pitman, Sibert, Thompson of Smyth, Burdett, Harvey and Boyd—47.

For Col. Harris—Messrs. Hart, Byrd, Kyle, Sydnor, Tanzey and Hiner—6.

For Maj. Dillard—Messrs. Powell, Cheatham, De Camps, Harrison of Brunswick, Moore, Moncure of Caroline, Barbour, Edwards, Baily, Carroll, Major, Hiatt, Welton, Bassel, Mullins, Lane of Lee, Ferguson, Newman, Beirne of Monroe, Kilby, Basye, Pannill, Buswell, Cackley, Wootton, Rives, Harrison of Prince William, Fugate, Hargrave, George, Boyers, Massey, Goodson and Collins—34.

For Col. Swift—Messrs. Claiborne, Harris and Martz—3.

For Maj. Coleman—Messrs. Hopkins, (speaker,) Burwell, Faulkner, Lacy,

Cardwell, Irving of Cumberland, Thomas, Scott, Clopton, Darracott, Howard of James City, York and Williamsburg, Worthington, Laidley, Wallace, Houser, Clendenin, Coleman, Yerby, Booth, Townes and Strother—21.

Ordered, That Messrs. Dorman, Hart, Pannill, Harris and Lacy be a committee to act jointly with a committee of the senate to ascertain the state of the joint vote; and Mr. DORMAN reported that vote to be, for *Col. Loving* 62; for *Col. Harris* 6; for *Maj. Dillard* 38; for *Col. Swift* 6; for *Maj. Coleman* 24.

No person having received a majority of the joint vote, Mr. LACY withdrew the name of *Maj. Coleman*, and Mr. HARRIS withdrew the name of *Col. Swift*, and the senate were informed thereof by Mr. LACY.

The vote was again recorded as follows:

For Col. Loving—Messrs. Hopkins, (speaker,) Finney, Smith, Layne of Alleghany, Boisseau, M'Cue, Sheffey, Mitchell, Burwell, Faulkner, Boak, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, Wills, Lacy, Irving of Cumberland, Segar, Clarke, Thomas, Scott, Rector, Stillman, Sydnor, Clopton, Guerrant, Price, Allen, Darracott, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Wallace, Webb, White, Beard, Harris, Clendenin, Coleman, Whittle, Barnett, Kilby, Ferrow, Cowper, Yerby, Booth, Pitts, Turner, Hiner, Townes, Grasty, Fairfax, Goff, Strother, Mayo, Dorman, Paxton, Aston, Pitman, Sibert, Thompson of Smyth, Burdett, Harvey and Boyd—64.

For Maj. Dillard—Messrs. Nock, Powell, Cheatham, De Camps, Harrison of Brunswick, Moore, Moncure of Caroline, Cardwell, Barbour, M'Clung, Howard of Floyd, Claiborne, Edwards, Bailly, Carroll, Stovall, Major, Hiett, Welton, Bassel, Mullins, Lane of Lee, Ferguson, Newman, Arnett, M'Donald, Tanzey, Beirne of Monroe, Robinson, Butt, Bayse, Pannill, Buswell, Cackley, Herbert, Wootton, Rives, Harrison of Prince William, Martz, Harper, Fugate, Hargrave, George, Boyers, Massey, Goodson and Collins—47.

For Col. Harris—Messrs. Hart, Byrd, Kyle and Houser—4.

The same committee again met a committee of the senate, and Mr. DORMAN reported the joint vote to be, for *Col. Loving* 84; for *Major Dillard* 52; for *Col. Harris* 4; thereupon, Col. WILLIAM S. LOVING was declared duly elected a brigadier general of the third brigade of militia.

A motion was made by Mr. CLAIBORNE, that the execution of the remaining joint order of the day, for the election of certain officers of government, be postponed until the first day of February.

A motion was made by Mr. PITTS, to amend the same by striking out the words "first day of February," and inserting in lieu thereof the words "Monday next," and it was determined in the negative; and then the motion of Mr. CLAIBORNE was also determined in the negative.

The house, in like manner, proceeded by joint vote with the senate to the election of certain officers of government; thereupon, on motion of Mr. MOORE, the rule of the house was suspended for the purpose of electing at the same time the several officers; and Mr. STOVALL thereupon nominated *James E. Heath* for the office of auditor of public accounts; *James Brown, jr.* as second auditor; *Fabius M. Lawson* as treasurer; *Stafford H. Parker* as register of the land office;

William H. Richardson as secretary of the commonwealth and librarian; *Charles S. Morgan* as superintendent of the penitentiary; and *James C. Spotts* as general agent or storekeeper of the penitentiary; and the senate having been informed thereof by Mr. STOVALL, and no change in the nomination having been made in that body, and the mode of election being also agreed to, the vote was recorded as follows:

As Auditor of Public Accounts, for James F. Heath—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, Layne of Alleghany, Boisseau, Powell, Cheatham, M'Cue, Sheffey, Byrd, Mitchell, Faulkner, Boak, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Kyle, Moore, Wills, Moncure of Caroline, Lacy, Cardwell, Irving of Cumberland, Segar, Clarke, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Stillman, Claiborne, Sydnor, Baily, Clopton, Guerrant, Carroll, Price, Stovall, Major, Allen, Hiatt, Darracott, Welton, Bassel, Mullins, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Wallace, Lane of Lee, Ferguson, White, Beard, Harris, Newman, Arnett, M'Donald, Clendenin, Coleman, Tanzey, Beirne of Monroe, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Basye, Booth, Pitts, Buswell, Turner, Townes, Grasty, Cackley, Herbert, Wootton, Rives, Goff, Strother, Mayo, Dorman, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Hargrave, Burdett, George, Boyers, Massey, Goodson, Harvey and Boyd—102.

For John M. Botts—Mr. Hiner—1.

As Second Auditor, for James Brown, Jr.—As Treasurer, for Fabius M. Lawson—As Register of the Land Office, for Stafford H. Parker—And as Superintendent of the Penitentiary, for Charles S. Morgan—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, Layne of Alleghany, Boisseau, Powell, Cheatham, M'Cue, Sheffey, Byrd, Mitchell, Faulkner, Boak, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Kyle, Moore, Wills, Moncure of Caroline, Lacy, Cardwell, Irving of Cumberland, Segar, Clarke, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Stillman, Claiborne, Sydnor, Baily, Clopton, Guerrant, Carroll, Price, Stovall, Major, Allen, Hiatt, Darracott, Welton, Bassel, Mullins, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Wallace, Lane of Lee, Ferguson, White, Beard, Harris, Newman, Arnett, M'Donald, Clendenin, Coleman, Tanzey, Beirne of Monroe, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Basye, Booth, Pitts, Buswell, Turner, Hiner, Townes, Grasty, Cackley, Herbert, Wootton, Rives, Goff, Strother, Mayo, Dorman, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Hargrave, Burdett, George, Boyers, Massey, Goodson, Harvey and Boyd—103.

As Secretary of the Commonwealth and Librarian, for William H. Richardson—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, Layne of Alleghany, Boisseau, Powell, Cheatham, M'Cue, Sheffey, Byrd, Mitchell, Faulkner, Boak, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Kyle, Moore, Wills, Moncure of Caroline, Lacy, Cardwell, Irving of Cumberland, Segar, Clarke, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Stillman, Claiborne, Sydnor, Baily, Clopton, Guerrant, Carroll, Price, Stovall, Major, Allen, Hiatt, Darracott, Welton, Bassel, Mullins, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Wallace, Lane of Lee, Ferguson, White, Beard, Harris, Newman, Arnett, M'Donald, Clendenin, Coleman, Tanzey, Beirne of Monroe, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Basye,

Booth, Pitts, Buswell, Turner, Townes, Grasty, Cackley, Herbert, Wootton, Rives, Goff, Strother, Mayo, Dorman, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Hargrave, Burdett, George, Boyers, Massey, Goodson, Harvey and Boyd—102.

And for Bennet M. De Witt—Mr. Hiner—1.

As Storekeeper of the Penitentiary, for James C. Spotts—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, Layne of Alleghany, Boisseau, Powell, Cheatham, M'Cue, Sheffey, Byrd, Mitchell, Faulkner, Boak, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Kyle, Moore, Wills, Moncure of Caroline, Lacy, Cardwell, Irving of Cumberland, Segar, Clarke, Thomas, Scott, Rector, M'Clung, Stillman, Sydnor, Baily, Clopton, Guerrant, Carroll, Price, Stovall, Major, Allen, Hiatt, Darracott, Welton, Bassel, Mullins, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Wallace, Lane of Lee, Ferguson, White, Beard, Harris, Newman, Arnett, M'Donald, Clendenin, Coleman, Tanzey, Beirne of Monroe, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Basye, Booth, Pitts, Buswell, Turner, Hiner, Townes, Grasty, Cackley, Herbert, Wootton, Rives, Goff, Strother, Mayo, Dorman, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Hargrave, Burdett, George, Boyers, Massey, Goodson, Harvey and Boyd—101.

Ordered, That Messrs. Stovall, Herbert, Grasty, Lacy, Moncure of Caroline, and Hargrave, be a committee, to act jointly with a committee of the senate, to ascertain the state of the joint vote; and Mr. STOVALL reported that vote to be, for *James E. Heath*, as first auditor, 124; scattering, 1; for *James Brown, jr.*, as second auditor, 125; for *Fabius M. Lawson*, as treasurer, 125; for *Stafford H. Parker*, as register, 125; for *William H. Richardson*, as secretary of the commonwealth and librarian, 124; scattering, 1; for *Charles S. Morgan*, as superintendent of the penitentiary, 125; and for *James C. Spotts*, as general agent and storekeeper of the penitentiary, 123; thereupon, the several nominees were declared duly elected to the several offices for which they were nominated, for one year each from the expiration of their present term of service.

Mr. SEGAR, from the joint committee appointed to examine the treasurer's office, presented a report on the condition thereof.

The SPEAKER laid before the house a communication from the second auditor, transmitting, in compliance with a resolution of the house, adopted on yesterday, a copy of a communication from N. M. Martin, Esq., in reply to the communication of James Lyons, Esq., transmitted to the house on the 18th instant, which, on motion of Mr. PITTS, was laid upon the table and ordered to be printed. [Doc. No. 10.]

Mr. STOVALL, from the committee of finance, presented a report upon the petition of J. N. Zentmeyer, the clerk of the county court of Floyd; and the following bills:

No. 252. A bill defining the duties of officers conducting election precincts in certain cases; and

No. 253. A bill concerning Claudius Crozet.

On motion of Mr. SHEFFEY, leave was given to withdraw the letter of Charles A. Geyer, which he presented a few days since.

On motion of Mr. MOORE, the house adjourned until Monday, 12 o'clock.

MONDAY, JANUARY 29, 1849.

Prayer by the Rev. JACOB MANNING, of the Methodist church.
A communication from the senate by their clerk, was read as follows :

IN SENATE, JANUARY 25, 1849.

The senate have passed the bills, entitled

"An act to provide additional accommodations for the deaf and dumb and blind institution," (No. 86;) and

"An act to change the place of holding a separate election in the county of Highland." (No. 95.)

Mr. SCOTT, from the committee for courts of justice, presented the following bills:

No. 254. A bill to amend an act, entitled "an act concerning the administration of real assets."

No. 255. A bill to amend the act, entitled "an act changing the tenure of the office of surveyor."

No. 256. A bill concerning divorces; and

No. 257. A bill releasing to the heirs of Edwin Ricks the commonwealth's right to certain land therein mentioned.

Mr. JONES, from the committee of propositions and grievances, presented reports upon resolutions for exempting the members of the select and common councils of the City of Norfolk from jury duty; and for confirming the seat of justice of the county of Hancock; and upon petitions of citizens of Halifax county for a change in the place of holding the separate election at Locust Level; and of citizens of Patrick county for annexing a part thereof to the county of Henry; and the following bills:

No. 258. A bill to amend the act, entitled "an act incorporating the Manchester bridge company;" and

No. 259. A bill to discontinue two, and establish one separate election in the county of Patrick.

Mr. DORMAN, from the committee on the militia laws, presented the following bill:

No. 260. A bill authorizing an exchange of arms with a troop of cavalry in the county of Appomattox.

On motion of Mr. STOVALL,

Resolved, That this house will with the joint vote of the senate proceed on Saturday the 3d day of February next, to the election of a councillor of state, to fill the vacancy to be occasioned by the expiration of the term of service of John F. Wily, Esq.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. LAIDLEY,

Resolved, That the committee of propositions and grievances enquire into the expediency of so amending the act passed on the 19th day of January 1818, incorporating the town of Charleston in the county of Kanawha, as to provide that the election of president, recorder and trustees of said town shall be held on the 1st day of March in each year, instead of the 1st day of June.

On motion of Mr. FAULKNER,

Resolved, That the committee on the penitentiary be instructed to enquire into the expediency of making some adequate provision by law, for the moral improvement and religious instruction of the convicts confined in the penitentiary house of this commonwealth.

On motion of Mr. BURWELL,

Resolved, That the committee on the library enquire into the expediency of providing the following materials, essential to a correct map of the state of Virginia. 1. The right to adopt and use so much of the coast survey of the United States as relates to the sea and bay coast of Virginia. 2. The probable cost of triangulating the territory of the commonwealth and of making a necessary series of astronomical observations. 3. The amount of annual appropriation proper to provide for the gradual preparation of a state map, the copy right whereof, together with the property in the plates and other material employed, shall be and remain in the commonwealth, subject to be published, altered and improved from time to time as shall be expedient.

Mr. BURWELL presented a document to support said resolution, which was ordered to be referred to the committee on the public library.

On motion of Mr. CLAIBORNE,

Resolved, That the committee of finance be directed to enquire into the expediency of reporting a bill to permit Mary Morton to pay the taxes upon her land.

On motion of Mr. BEIRNE of Monroe,

Resolved, That the committee on roads and internal navigation be instructed to enquire into the expediency of constructing a road from the Sweet springs, by way of the Salt Sulphur springs, to intersect the Red and Blue Sulphur springs turnpike at or near the mouth of the Indian draft.

On motion of Mr. LAIDLEY,

Resolved, That the committee of roads and internal navigation enquire into the expediency of amending the act incorporating the Elk bridge company, passed on the 27th day of March 1848.

On motion of Mr. HINER,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of passing a law authorizing the Board of public works to order and cause to be made a survey of a route or routes for a railroad from New Market in Shenandoah county, to Parkersburg on the Ohio river, passing through the gorge in the Alleghany mountains, known as Brunett's Big run, in Pendleton county.

On motion of Mr. FERGUSON,

Resolved, That the committee on the militia laws be instructed to enquire into the expediency of reinstating the office of brigade inspector.

On motion of Mr. McCUE,

Resolved, That the committee for courts of justice enquire into the expediency of so amending the laws of this commonwealth as to permit justices of the peace, as also the several courts, to give judgment

in favour of defendants, without the necessity of instituting a new action, when the account of defendant is found to exceed that of plaintiff, and a balance appears in favour of defendant.

On motion of Mr. FAULKNER,

Resolved by the general assembly of Virginia, That the thanks of this commonwealth are due and they are hereby tendered to Lieut. William F. Lynch of the United States navy, for his valuable donation of two Khaisi calves of the royal breed of Damascus, recently imported by him from Arabia; and more particularly for the patriotic interest and the liberal spirit which he has manifested for the improvement of the cattle of his native state.

Resolved, That the governor of this commonwealth be and he is hereby requested to make such disposition of said stock, and under such restrictions and conditions as may, in his judgment, best fulfil and advance the public spirited object of the donor.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

A motion was made by Mr. SHEPARD that the house adopt the following resolution:

Resolved, That the committee on the armory enquire into the expediency of lending to the California company, now being raised in this city under the auspices of Col. J. D. Munford, such cannon as can be spared from the armory, not exceeding six in number.

On motion of Mr. MARTZ, the same was amended by adding thereto the following: "And one stand of muskets of the repaired arms to each member of the company, with the necessary accoutrements."

A motion was made by Mr. PANNILL to amend the same as amended by striking out all after the word "*Resolved,*" and inserting in lieu thereof the following: "That the armory committee be instructed to bring in a bill having for its object the furnishing of arms to the California companies to be raised in Virginia."

On motion of Mr. SYME, the resolution and proposed amendment were postponed indefinitely.

On motion of Mr. BURDETT,

Resolved, That the committee of schools and colleges enquire into the expediency of allowing Susan D. Whiting an account of \$22 68.

Mr. BURDETT presented a document to sustain the said resolution, which was ordered to be referred to the committee of schools and colleges.

On motion of Mr. BORD,

Resolved, That A. M. Whitney, Esq., be allowed the use of the hall of the house of delegates any evening of this week convenient to himself, to deliver an address on the subject of railroads.

Mr. M'CUE presented a petition of citizens of the town of Mount Solon, Augusta county, asking for the establishment of said town.

Mr. CLAIBORNE, a petition of citizens of the county of Franklin, praying that a reward may be offered for the scalps of wild cats.

Mr. BYRNE of Braxton, a petition of citizens of the county of Doddridge, for the establishment of a separate election in said county.

Mr. MONCURE of Caroline, a petition of citizens of the county of

Caroline for the establishment of a separate election at a place called the Sycamores in said county.

Ordered, That said petitions be referred to the committee of propositions and grievances.

Mr. PITTS presented a petition of the board of trade of the City of Wheeling for the passage of an act to authorize the banks of said city to issue notes of a less denomination than five dollars, which was ordered to be laid upon the table.

Mr. SMITH presented a petition of William Fowle and others, for an amendment of the act passed March 13th, 1848, regulating pilotage on the Potomac river.

And a similar petition of Thomas Smith and others, which were ordered to be referred to the committee on the subject of the pilot laws.

Mr. CLENDENIN presented a petition of Andrew Bryan, school commissioner of the county of Mason, asking that the amount of an order drawn by him on the treasurer of the said commissioners for the tuition of poor children, may be paid out of the school quota due said county for the present year.

Mr. WELTON, a petition of John L. Smith, asking to be compensated for teaching poor children in the county of Hardy.

Ordered, That said petitions be referred to the committee of schools and colleges.

Mr. WHITE presented a petition of sundry citizens of the county of Loudoun, asking that Forrest Griffith, a free man of colour, may be permitted to remain in the commonwealth.

Mr. MAYO, a petition of John M. Fergusson, sergeant of the City of Richmond, asking to be allowed compensation for supporting in jail a free person of colour, committed for want of a register, and for amendment of the law on the subject of keeping such persons in jail.

Ordered, That said petitions be referred to the committee for courts of justice.

Mr. IRVING of Cumberland presented a petition of citizens of the county of Powhatan, praying that the James river and Kanawha canal may be extended to tidewater at the City of Richmond, which was ordered to be referred to the committee of roads and internal navigation.

A report of the committee for courts of justice upon the resolution for amending the act requiring clerks of courts to copy partly proved deeds, was taken up on motion of Mr. KILBY and ordered to be committed to the same committee.

The following reports of the committee of revisors were taken up, read and agreed to:

The committee of revisors have had under consideration a resolution of enquiry into the expediency of amending the "act concerning conveyances or devises of places of meeting of certain benevolent associations," passed March 31st, 1848, so as to give all such associations the right to hold real estate for cemetery purposes, and have come to the following resolution thereupon:

Resolved, That this committee ask to be discharged from the further

consideration of said resolution, and that the same be referred to the committee of propositions and grievances.

The committee of revisors have had under consideration a resolution of enquiry into the expediency of providing by law for the assessment of damages occasioned by the erection of milldams, which were not foreseen and estimated by the jury first impaneled to enquire into such damages, and have come to the following resolution thereupon:

Resolved, That this committee ask to be discharged from the further consideration of the said resolution, and that the same be referred to the committee of propositions and grievances.

A report of the committee of schools and colleges upon the resolution for providing that the primary school fund shall be apportioned among the counties and corporations in proportion to their indigent children, was on motion of Mr. GORF, ordered to be laid upon the table.

The following engrossed bills were read a third time and passed, viz:

No. 100. A bill changing the time of holding the circuit superior courts of Spottsylvania and Caroline counties.

No. 102. A bill concerning George Pickett and Thomas A. Withers; and

No. 103. A bill to provide for the construction of a road from the forks of Sandy river in Wayne county, to the Kanawha turnpike in Cabell county.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 96. An engrossed bill imposing taxes for the support of government, was read a third time, and the question being put upon its passage, was determined in the affirmative. Ayes 83, noes 28.

On motion of Mr. SYME, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Nock, Layne of Alleghany, Cheatham, Sheffey, Mitchell, Burwell, Faulkner, Boak, Thomson of Botetourt, Byrne of Braxton, Lewis and Gilmer, De Camps, Kyle, Moore, Wills, Barbour, Irving of Cumberland, Clarke, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Claiborne, Edwards, Sydnor, Baily, Carroll, Price, Allen, Hiatt, Welton, Bassel, Boykin, Worthington, Thomson of Jefferson, Laidley, Wallace, Webb, Lane of Lee, Ferguson, White, Harris, Arnett, M'Donald, Shepard, Clendenin, Tanzey, Beirne of Monroe, Gustin, Kilby, Cowper, Yerby, Basye, Pitts, Pannill, Buswell, Turner, Hiner, Cackley, Fairfax, Herbert, Harrison of Prince William, Strother, Mayo, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Burdett, George, Boyers, Massey, Goodson, Collins and Boyd—83.

NOES—Messrs. Hart, Watson, Boisseau, M'Cue, Byrd, Moncure of Caroline, Cardwell, Jones, Stillman, Wood, Clopton, Guerrant, Stovall, Major, Darracott, Lancaster, Howard of James City, York and Williamsburg, Beard, Coleman, Perrow, Syme, Townes, Grasty, Wootton, Rives, Goff, Hargrave and Harvey—28.

Ordered, That the clerk communicate said bill to the senate and request their concurrence.

No. 114. A bill to amend the act, entitled "an act concerning the City of Norfolk," passed February 13th, 1845, was on motion of Mr. PRTTS, ordered to be laid upon the table.

The following bills were, on motion of Mr. LAIDLEY, laid upon the table and ordered to be printed, viz :

No. 159. A bill to enable the James river and Kanawha company to improve the Great Kanawha river for steamboat navigation from the Great falls thereof to the Ohio river ; and

No. 160. A bill to provide for the Southside and Rivanna connections.

No. 34. A bill authorizing in certain cases the transfer or removal of money or other personal property from the state, was taken up ; thereupon, an amendment was submitted thereto by Mr. WATSON, and then, on motion of Mr. PRICE, the bill was ordered to be laid upon the table, and the said amendment was ordered to be printed.

No. 60. A bill concerning the appellate jurisdiction of the circuit superior courts of law and chancery, was amended on motion of Mr. SCOTT, and then, on motion of Mr. WATSON, ordered to be committed to the committee for courts of justice.

No. 64. A bill authorizing three justices to constitute a court ; and

No. 66. A bill divorcing Lucy W. Norman from her husband James B. Norman, were read a second time, and ordered to be engrossed and read a third time.

No. 92. A bill concerning the jurisdiction of courts of chancery, with the amendment thereto proposed by the committee for courts of justice, was taken up, and the said amendment being agreed to, the said bill as amended was ordered to be engrossed and read a third time.

No. 157. A bill establishing the county of _____ out of the northern end of the county of Accomack, was read a second time, amended on motions of Mr. FINNEY, and as amended, ordered to be engrossed in like manner.

No. 61. A bill making an appropriation for the erection of new barracks at the Virginia military institute, was taken up on motion of Mr. DORMAN, and made the order of the day for Wednesday next.

No. 112. A bill to change the time of holding the county courts of the counties of Cabell, Wayne, Boone and Kanawha, was read the first, and (the rule of the house having been suspended on motion of Mr. FERGUSON,) the second time, and ordered to be engrossed and read a third time.

The following bills were read the first, and ordered to be read a second time :

No. 105. A bill for the relief of Milton Ferguson as superintendent of schools for Wayne county.

No. 106. A bill extending the corporate limits of the town of Lewisburg, and enlarging the powers of the trustees thereof.

No. 107. A bill to prevent the destruction of oysters in Ware river in the county of Gloucester.

No. 108. A bill authorizing a separate election at the house of John Rupe, in the county of Pulaski.

No. 109. A bill repealing the first, second and third sections of an act, entitled "an act concerning the correction of errors committed in the progress of chancery causes, and regulating appeals from decrees pronounced therein."

No. 110. A bill concerning bail in civil actions.

No. 111. A bill for the relief of Harry Parker.

No. 113. A bill charging upon the treasury the annnal appropriation to the deaf and dumb and blind asylum.

No. 115. A bill to authorize a separate election at Stony creek depot in the county of Sussex.

No. 116. A bill authorizing a separate election at the tavern house of Benjamin W. Shelley in the county of Dinwiddie.

No. 117. A bill refunding to John Godfrey a certain sum of money.

No. 118. A bill releasing to James Cornwell the payment of a certain fine.

No. 119. A bill releasing to the common council of Alexandria the state's interest in certain money advanced for the use of the general government.

No. 120. A bill to establish a branch bank at Fincastle in the county of Botetourt.

No. 121. A bill changing the time of holding the county courts of Harrison.

No. 122. A bill authorizing a subscription for the commonwealth to the stock of the Lynchburg and Tennessee railroad company.

No. 123. A bill to incorporate the Covington and Ohio railroad company.

No. 124. A bill to incorporate the Blue Ridge railroad company, and for other purposes.

No. 125. A bill for the gradual redemption of the public debt; and

No. 126. A bill appropriating the public revenue.

Mr. Boyd submitted an amendment intended to be offered to the bill authorizing a subscription for the commonwealth to the stock of the Lynchburg and Tennessee railroad company, which was ordered to be printed.

The following reports of the committee on finance were read and agreed to:

The committee on finance have, according to order, had under consideration the petition of J. Morrison Smith and others, to them referred, praying that the tax heretofore imposed by law on the agencies of foreign insurance companies, may be reduced, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee on finance have, according to order, "enquired into the expediency of reporting a tax bill, as near as may be on the *ad valorem* principle," and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That it is inexpedient at this time to change the principle of taxation.

A report of the committee appointed to examine the clerk's office, was read as follows:

The committee appointed to examine the clerk's office have, in obedience to order, performed their duty. That the clerk has complied with the rule requiring schedules of petitions and an index to

the journal. That we found the books and papers in good order and systematically arranged. The enrolled bills are safely secured in tin cases and in a good state of preservation. The office is well adapted to preserve the books and papers. Your committee are of opinion that the rule requiring the clerk to keep a schedule of all petitions is unnecessary, and results only in imposing additional labour upon the clerk. The schedule is made up from the index to the journal, and every thing can be as conveniently found in the index to the journal. Your committee recommend the following resolution :

Resolved, That the 21st rule, requiring the clerk to keep a schedule of all petitions, be rescinded.

The said resolution being read, was agreed to.

On motion of Mr. PIRTS, the house adjourned until to-morrow 12 o'clock.

TUESDAY, JANUARY 30, 1849.

Prayer by the Rev. PENFIELD DOLL of the Methodist church.

The SPEAKER laid before the house a communication from the president of the Petersburg and Roanoke railroad company, in reply to a communication of Edwin Robinson, president of the Richmond, Fredericksburg and Potomac railroad company, and Wirt Robinson, president of the Richmond and Petersburg railroad company, made at the present session ; which, on motion of Mr. SYME, was laid upon the table and ordered to be printed. [Doc. No. 10.]

Mr. CHEATHAM, from the committee of claims, presented a report upon the petition of Richard Early, in behalf of Early N. Taylor ; and the following bills :

No. 261. A bill concerning Segub H. Panack ; and

No. 262. A bill releasing to William Caruthers the payment of a certain fine.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bills :

No. 263. A bill to provide for constructing the Pendleton mountain road ; and

No. 264. A bill to provide for macadamizing certain parts of the Staunton and Parkersburg road.

Mr. BOYERS, from a select committee, presented a report, which was read as follows :

The special committee appointed on the rearrangement of the judicial circuits of the state, to prepare a plan for such rearrangement, have had the duty assigned them under consideration, and beg leave to report, that they have been unable to agree upon any plan for effecting the object desired. They are satisfied, however, that whilst no general rearrangement of the circuits of the state can be effected at this time, it is both expedient and practicable to afford relief to a portion of the state which, more than any other, is suffering from delay in the administration of justice. Your committee allude to the 18th, 19th

and 20th circuits, from portions of which they are satisfied a new circuit should be created.

Your committee further state, that Judge Taliaferro's circuit (the 10th) is also far more than an average one, and they think it just and proper that it should be diminished by detaching Carroll county from the 10th and adding it to the 16th circuit, Judge Brown's. But as it is scarcely expedient to increase materially the labours of Judge Brown, your committee recommend that the county of Monroe should be transferred from his circuit to Judge Johnston's, the 17th, in the place of Greenbrier, which is designed to be embraced in the proposed new circuit.

Your committee, therefore, ask to be discharged from the further consideration of the subject referred to them.

On motion of Mr. PRICE, the said report was ordered to be laid upon the table.

On motion of Mr. THOMAS,

Ordered, That the petition of the Chesapeake and Ohio canal company, for a loan from the state, be printed for the use of the general assembly. [Doc. No. 54.]

On motion of Mr. FAULKNER,

Resolved, That the joint committee on the public library be instructed to enquire into the expediency of removing the law library from the capitol to the new state courthouse, now occupied by the court of appeals and general court.

On motion of Mr. MASSEY,

Resolved, That the committee of propositions and grievances enquire into the expediency of changing the place of holding the precinct election at Millwood, Clarke county, from the house of Dr. Little to the house of Thomas Sprint in said town of Millwood.

On motion of Mr. BOISSEAU,

Resolved, That a committee be appointed to enquire into the expediency of adding the county of Powhatan to the second judicial circuit.

And a committee was appointed of Messrs. Boisseau, Irving of Cumberland, Rives, Jones, Guerrant, Harris and Syme.

On motion of Mr. CLENDENIN,

Resolved, That a select committee be appointed to take into consideration the expediency of reporting a bill amending the charter of the Swift run gap turnpike company.

And a committee was appointed of Messrs. Clendenin, M'Clung, Hiatt, Welton, Collins and Boak.

On motion of Mr. DORMAN,

Resolved, That it be referred to the committee of schools and colleges to enquire into the expediency of appropriating the sum of one thousand dollars to found a library at the Buckingham female collegiate institute.

Mr. MARTZ presented a petition of citizens of the county of Rockingham and the adjacent counties, asking a change in the laws relating to free negroes, which was ordered to be referred to the committee for courts of justice.

Mr. WHITTLE presented a letter from Captain W. A. Scott, in rela-

tion to the claim of Lieutenant Astrop; which was ordered to be referred to the committee of claims.

Mr. GRIFFIN presented a petition of citizens of the county of Southampton, asking a change in the location of the separate election in said county from James' tavern to Drewrysville, which was ordered to be referred to the committee of propositions and grievances.

No. 36. An engrossed bill to create a new judicial circuit, and for other purposes, was taken up on motion of Mr. LAIDLEY, read a third time and passed.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

Mr. BOISSEAU, according to order, presented the following bill, which on his motion was ordered to be printed:

No. 265. A bill to add the county of Powhatan to the second judicial circuit.

On motion of Mr. BASSEL,

Resolved, That document No. 41 of the present session be referred to the committee for courts of justice, and that they enquire whether the pardoning power, as exercised by the executive in that case, and upon the evidences therein contained, will not (if persisted in in similar cases,) lead to a subversion of the judicial authority of the commonwealth; and that they also enquire whether any, and if so, what additional legislation is necessary to preserve the constitutional power of pardon from abuse.

No. 63. An engrossed bill adding the county of Bedford to the eighth judicial circuit, was taken up on motion of Mr. CLAIBORNE, read a third time and passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

The SPEAKER laid before the house a communication from the governor, made in compliance with the resolution of the house relative to the returns of the presidential election, and the irregularity of the same, which, on motion of Mr. YERBY, was laid upon the table and ordered to be printed.

The SPEAKER also laid before the house a communication from the governor, transmitting resolutions of the state of Florida relative to the controversy between the north and south, which on motion of Mr. DARRACOTT, was laid upon the table and ordered to be printed. [Doc. No. 55.]

The following engrossed bills were read a third time and passed, viz:

No. 64. A bill authorizing three justices to constitute a court.

No. 66. A bill divorcing Lucy W. Norman from her husband James B. Norman.

No. 112. A bill changing the time of holding the county courts of the counties of Cabell, Wayne, Boone and Kanawha; and

No. 158. A bill concerning the jurisdiction of courts of chancery.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 84. A bill to authorize county courts to establish public landings, with restrictions upon the public use thereof, was taken up on

motion of Mr. SMITH, read a second time and ordered to be engrossed and read a third time.

Mr. SCOTT presented a petition of citizens of the counties of Loudoun and Fauquier, praying for the formation of a new county out of parts of said counties, which was ordered to be referred to the committee of propositions and grievances.

No. 157. An engrossed bill establishing the county of _____ out of the northern end of the county of Accomack, was taken up, and being under consideration,

On motion of Mr. FINNEY, the house adjourned until to-morrow 12 o'clock.

WEDNESDAY, JANUARY 31, 1849.

Prayer by the Rev. H. B. COWLES of the Methodist church.

Mr. MITCHELL, from the committee of propositions and grievances, presented reports upon the petitions of citizens of the counties of Harrison and Marion, for a new county; of the citizens of the counties of Jackson, Gilmer and Kanawha, for a new county, and of citizens of the counties of Giles, Botetourt, Roanoke and Monroe, also for a new county; and the following bills:

No. 266. A bill to change the place of holding a separate election in the county of Gilmer.

No. 267. A bill to change the place of holding a separate election in the county of Roanoke.

No. 268. A bill to authorize a separate election at the place called the Sycamores, in the county of Caroline; and

No. 269. A bill to authorize a separate election at the tavern house of Samuel W. Davis, in the county of Lewis.

Mr. SCOTT, from the committee for courts of justice, reported with an amendment the following bill:

No. 60. A bill concerning the appellate jurisdiction of the circuit superior courts of law and chancery.

And presented a report upon the resolution for amending the 17th section of an act passed 1st April 1831; also the 3d section of an act amendatory thereto, passed March 13, 1836, entitled "an act concerning delinquent lands;" and the following bill:

No. 270. A bill concerning commissioners of sale and for the collection of money under decrees of courts of chancery.

On motion of Mr. SCOTT,

Ordered, That the committee for courts of justice be discharged from the consideration of the petition of John M. Fergusson, and that the same be referred to the committee of claims.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bills:

No. 271. A bill directing surveys and estimates for a railroad from New Market, in Shenandoah, to the town of Parkersburg on the Ohio river; and

No. 272. A bill to incorporate the Holiday's Cove railroad company.

Mr. BEIRNE of Monroe, from the committee on the penitentiary institution, presented a report upon the resolution for establishing a house of correction for juvenile offenders; and the following bill:

No. 273. A bill to provide for the sale of certain lands acquired for the use of the penitentiary, and for other purposes.

On motion of Mr. SYME,

Resolved, That the committee on the militia laws enquire into the expediency of exempting from militia duty the volunteers in the Virginia regiment raised for the Mexican war.

On motion of Mr. SCOTT,

Resolved, That the committee of propositions and grievances enquire into the expediency of authorizing William Blackwell of the county of Fauquier, to improve the navigation of the Rappahannock river to the mouth of Thumb run.

Mr. FERGUSON presented a petition of citizens of Pike county, state of Kentucky, asking to be annexed, with the consent of Kentucky, to the county of Logan.

A motion was made by Mr. FERGUSON, that the house adopt the following resolution:

Whereas a portion of the citizens of Pike county, in the state of Kentucky, have presented to this general assembly their petition, avowing their purpose to apply to the legislature of Kentucky at its present session, to pass an act ceding to the state of Virginia that part of the said county of Pike included within the following boundaries, to wit: Beginning at the mouth of Big creek on the Tug fork of Sandy river; thence up and along the top of the ridge above said creek to the top of the main dividing ridge between the waters of the right and left hand forks of Sandy river, thence with and along the top of said main dividing ridge to the line between Kentucky and Virginia, thence with said line to Tug river, and down the same to the beginning; and have prayed such legislation by this general assembly as may be necessary to effect that object:

Be it therefore resolved by the general assembly, That in case the legislature of Kentucky shall at any time pass an act ceding to the state of Virginia that portion of her territory included within the above limits, Virginia will accept such cession; and that the territory so ceded shall be annexed to and form a part of the county of Logan.

Resolved, That the governor of this commonwealth be requested to transmit a copy of this preamble and resolutions to the governor of Kentucky, with a request that he communicate the same to the legislature of that state.

On motion of Mr. STOVALL,

Ordered, That the said petition and resolution be referred to the committee for courts of justice.

On motion of Mr. WILLS,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of authorizing the sergeant of the town of Lynchburg to levy such executions as may be directed to him from

any of the courts of this commonwealth against persons residing within the corporate limits of said town.

On motion of Mr. LANE of Lee,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of amending the laws of the commonwealth, so as to make justices of the peace eligible to the office of commissioner of the revenue in succession, and to authorize them to celebrate the rites of matrimony in all cases.

Mr. PIRTS presented a petition of citizens of the City of Wheeling, praying the passage of an act to protect the banks of the state against brokers, which was ordered to be referred to the committee on banks.

Also a petition of the board of trade of the City of Wheeling, asking the aid of the state to construct a turnpike road from Wheeling to the town of Clarksburg.

Mr. ALLEN, a petition of citizens of the county of Hampshire, for the incorporation of a company to construct a road from the Hardy county line by the way of Noble Valley to the Baltimore and Ohio railroad at or near Cumberland.

Ordered, That said petitions be referred to the committee of roads and internal navigation.

Mr. TANZEY presented a petition of citizens of the county of Monongalia, for the establishment of a separate election at the storehouse now occupied by E. G. Brooke, at Laurel Point in said county.

Mr. GOODSON, a petition of citizens of the county of Washington, for the establishment of a separate election at Jones's mill in said county.

Mr. WILLS presented a petition of John R. M'Daniel and others, members of the Lynchburg hose company, for the incorporation of a fire insurance company in the town of Lynchburg.

Also a petition of citizens and common council of said town, in favour of the application of the said hose company.

Mr. THOMPSON of Smyth, a petition of citizens of the town of Marion in the county of Smyth, for the passage of an act incorporating said town.

Ordered, That said petitions be referred to the committee of propositions and grievances.

Mr. TANZEY presented a petition of Anthony Loftas, praying to be relieved from the payment of fines imposed upon him for selling ardent spirits without license, which was ordered to be referred to the committee of claims.

Mr. HARRISON of Loudoun presented a memorial of Susan Moore, remonstrating against the passage of an act divorcing her from her husband Peter F. Moore, which was ordered to be laid upon the table.

Mr. WHITTLE presented a petition of S. C. Gannoway and others, in relation to the Buckingham female institute.

Mr. SHEPARD, a petition of Leroy Dixon, asking to be compensated for the tuition of poor children in the county of Mathews.

Ordered, That the said petitions be referred to the committee of schools and colleges.

Mr. BOYD presented a petition of citizens of the county of Wythe,

praying that the right be given to the county court of said county to sell the farm belonging to and used by said county for the accommodation of the poor, which was ordered to be referred to the committee for courts of justice.

On motion of Mr. COWPER, leave was granted to withdraw the petition of William Tatem and others, citizens of the county of Norfolk, praying the right to construct a milldam, and to erect a mill across Milldam creek in said county; thereupon Mr. COWPER again presented the same, and it was ordered to be referred to the committee of propositions and grievances.

No. 61. A bill making an appropriation for the erection of new barracks at the Virginia military institute was, on motion of Mr. M'CUE, ordered to be laid upon the table.

No. 157. An engrossed bill, establishing the county of out of the northern end of the county of Accomack, which was under consideration when the house adjourned on yesterday, was taken up, and the question being put upon its passage, was determined in the affirmative. Ayes 79, noes 39.

On motion of Mr. STOVALL, the vote was recorded as follows:

AYES—Messrs. Finney, Nock, Hart, Smith, Cheatham, M'Cue, Sheffey, Byrd, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Kyle, Moore, Wills, Irvine of Campbell, Lacy, Irving of Cumberland, Clarke, Rector, M'Clung, Howard of Floyd, Claiborne, Clopton, Carroll, Price, Darracott, Welton, Bassel, Lancaster, Mullins, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Wallace, Houser, Webb, Lane of Lee, Ferguson, White, Arnett, M'Donald, Shepard, Clendenin, Tanzey, Beirne of Monroe, Kilby, Perrow, Butt, Cowper, Yerby, Basye, Pitts, Buswell, Turner, Hiner, Townes, Grasty, Cackley, Fairfax, Herbert, Harrison of Prince William, Goff, Strother, Mayo, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Griffin, Burdett, Boyers, Harvey and Collins—79.

NOES—Messrs. Hopkins, (speaker,) Watson, Layne of Alleghany, Boisseau, Mitchell, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Cardwell, Jones, Barbour, Vaughan, Thomas, Scott, Stillman, Edwards, Sydnor, Baily, Guerrant, Stovall, Major, Allen, Hiatt, Boykin, Harris, Newman, Coleman, Whittle, Barnett, Robinson, Booth, Pannill, Wootton, Rives, Conway, Hargrave, George, Massey and Goodson—39.

The title was amended on motion of Mr. FINNEY by inserting in the blank the word "Atlanta," and as amended was agreed to by the house.

No. 84. An engrossed bill to authorize county courts to establish public landings, with restrictions upon the public use thereof, was read a third time and passed.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

On motion of Mr. WHITTLE, the house adjourned until to-morrow 12 o'clock. Ayes 52, noes 37.

On motion of Mr. PITTS the vote was recorded as follows:

AYES—Messrs. Finney, Nock, Watson, Boisseau, Cheatham, Byrd, Maclin of Brunswick, Kyle, Moncure of Caroline, Lacy, Jones, Barbour, Irving of

Cumberland, Thomas, Sydner, Clopton, Guerrant, Price, Stovall, Allen, Hiott, Darracott, Welton, Lancaster, Mullins, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Ferguson, Whittle, Barnett, Kilby, Perrow, Butt, Yerby, Basye, Townes, Grasty, Rives, Strother, Mayo, Dorman, Paxton, Aston, Pitman, Sibert, Griffin, Hargrave, Burdett, George and Collins—52.

NOES—Messrs. Hopkins, (speaker,) Layne of Alleghany, M'Cue, Sheffey, Mitchell, De Camps, Harrison of Brunswick, Wills, Stillman, Edwards, Baily, Carroll, Major, Laidley, Lane of Lee, White, Harris, Newman, Clendenin, Coleman, Tanzey, Robinson, Booth, Pitts, Buswell, Turner, Hiner, Herbert, Harrison of Prince William, Goff, Harper, Fugate, Thompson of Smyth, Boyers, Massey, Harvey and Boyd—37.

THURSDAY, FEBRUARY 1, 1849.

Prayer by the Rev. PHILIP COURTNEY, of the Methodist church.
A communication from the senate by their clerk, was read as follows :

IN SENATE, JANUARY 29, 1849.

The senate have passed the bill, entitled

"An act to amend the act passed April 4th, 1848, entitled 'an act amending the act, entitled 'an act concerning oysters and terrapins, and the penalties in regard to them,' passed March 22d, 1847, and for other purposes,'" (No. 26,) with an amendment, in which they request the concurrence of the house of delegates.

The said amendment being read, on motion of Mr. SHEPARD, the bill and amendment were ordered to be laid upon the table.

Mr. STROTHER, from the committee for courts of justice, presented reports upon resolutions for supplying at the public charge the clerks with the reports of decisions of the court of appeals; for amending the laws so as to make justices eligible to the office of commissioner of the revenue, and to authorize them to celebrate the rites of matrimony in all cases; and for amending the laws to permit justices, as also the courts, to give judgment in favour of defendants without the necessity of instituting a new suit, when the account of the defendant is found to exceed that of the plaintiff; and the following bills:

No. 274. A bill abolishing imprisonment for debt, and for other purposes.

No. 275. A bill concerning partly proved deeds.

No. 276. A bill authorizing the division and distribution of the real and personal estate of Thomas Robinson in Orange county; and

No. 277. A bill for the relief of Forrest Griffith.

Mr. WHITTLE, from the committee of schools and colleges, presented reports upon resolutions for paying Susan D. Whiting's account for the tuition of poor children; and for paying John L. Smith's account for the tuition of poor children in Hardy county; and upon the petition of citizens of Harper's Ferry, for authority to raise by lottery a sum of money for the Harper's Ferry female institute; and the following bills:

No. 278. A bill amending the act, entitled "an act concerning district free schools in the county of Jefferson," passed March 27, 1848.

No. 279. A bill establishing free schools in the county of Albemarle; and

No. 280. A bill to incorporate the stockholders of the Female collegiate institute in the county of Buckingham.

Mr. CHEATHAM, from the committee of claims, presented the following bill:

No. 281. A bill concerning the executors of Josiah Tidball, deceased, late sheriff of the county of Fauquier.

Mr. HERBERT, from the committee on agriculture and manufactures, presented a report upon the resolution for creating the office of weigh and measure master in Richmond and other cities and towns; and the following bill:

No. 282. A bill concerning weights and measures.

Mr. HIETT, from the committee on the second auditor's office, presented a report upon the condition of that office.

On motion of Mr. WHITTLE,

Resolved, That the committee for courts of justice enquire into the expediency of enacting that no demurrer shall be entertained to any declaration because of misjoinder, on the ground of the union in the same declaration of a count in case and a count in trespass for the same matter.

Mr. BASSEL presented a petition of citizens of the county of Harrison, for the establishment of a separate election at the house of Jesse Hall in said county, which was ordered to be referred to the committee of propositions and grievances.

No. 61. A bill making an appropriation for the erection of new barracks at the Virginia military institute, was taken up on motion of Mr. DORMAN, and made the order of the day for Monday next.

The following report was taken up on motion of Mr. MONCURE of Stafford, and read:

The committee of revision have revised and considered the first report of the revisors of the Civil Code, except the title concerning "Public Defence," and have agreed upon certain amendments thereto, which they will in a few days report to the house. They did not examine the title concerning "Public Defence," because they were informed it was under the consideration of the committee on the militia laws, to which the subject more appropriately belongs. They will proceed, with as much diligence as possible, to revise, consider and report upon the remaining reports of the revisors, including those which are hereafter to be made; but they do not believe the legislature can possibly adjourn earlier than the middle of April if the subject be fully acted on during the present session. And even then, from the shortness of the time, and from interruptions occasioned by other legislative business, the subject cannot receive that careful examination and deliberate consideration which its great importance demands.

The committee are informed that the other business of the legislature will not require it to sit longer than the 1st of March, if so long.

Ought the legislature then to continue in session a month and a half longer for the purpose of endeavouring to complete the revision? Or would it not be better, as soon as the other business is disposed of, to

adjourn either to some future day, or *sine die*, and to appoint a committee of revision to sit after the adjournment, and to report their proceedings to the adjourned session, or the next legislature, as the case may be? These are questions which the committee, from their peculiar connection with the subject, have felt it their duty to consider, with the view of recommending the adoption of such course as might to them seem best calculated to effect the object in view. And they now respectfully report the result of their consideration to the house.

They are unanimously of opinion that if the legislature can get through its other business by the 1st of March, or even early in that month, it ought not to continue in session for the purpose of completing the revision.

They are also unanimously of opinion that a joint committee should be appointed to sit as long as may be necessary after the adjournment for the purpose of revising and considering the reports of the revisors, and having the whole subject ready to be acted on by the legislature.

But whether to be acted on by an adjourned session of the present legislature, or by the next legislature, is a question on which the committee are not unanimous.

The majority are of opinion that an adjourned session of the present legislature would be preferable. They do not believe it will be attended with much, if any, additional expense to the commonwealth, and certainly not enough to counterbalance the advantages in other respects of such a session. They believe that by getting through with all the other business before the adjournment, and holding the adjourned session exclusively for the purpose of attending to the revision, the business can be accomplished in much less time than during an ordinary session. It can also be better done. There will be nothing then to divide the attention of the legislature. The minds of all its members can be exclusively devoted to the important subject in which the whole commonwealth is so deeply concerned.

Another circumstance worthy of consideration is, that the members of the committee of revision, which will sit after the adjournment, (should such a committee be appointed,) may not, and many of them probably will not, be members of the next legislature; and cannot, therefore, be present to explain their amendments, and answer objections which, from their examination of the subject, it might be in their power to remove. The next legislature would probably be unwilling to act on the subject without having it fully examined by their own committee. And as such an examination would always render it difficult to complete the work during an ordinary session, it would probably be found necessary to resort at last to an adjourned or extra session.

For these and other reasons, the majority of the committee are in favour of an adjourned session. There may be difficulty in fixing upon a time for the session which would suit the convenience of all. A majority of the committee think the month of September would be most convenient, and that it would afford sufficient time. In the succeeding month the official term of the present members will expire.

Upon the whole, the committee have come to the following resolutions:

1. *Resolved*, That if the legislature can get through its other business by the 1st of March, it ought not, in the opinion of this committee, to continue its session for the purpose of completing the revision.

2. *Resolved*, That if the legislature shall adjourn before the revision be completed, a joint committee should in the opinion of this committee be appointed, to sit at such times as may be convenient, and as long as may be necessary after the adjournment, for the purpose of revising and considering the reports of the revisors, and having the whole subject ready to be acted on by the legislature.

3. *Resolved*, That if the legislature shall adjourn before the revision be completed, it will in the opinion of this committee be expedient to hold an adjourned session, to commence on the 1st day of September next, for the purpose of attending exclusively to the subject of revision.

A motion was made by Mr. CONWAY to amend the same by substituting therefor the following :

The committee on revision having reported it was necessary to the proper discharge of the important duty assigned them, that they should have more time for the examination of the Civil and Criminal Code, and having also recommended an adjourned session of the present general assembly for that purpose : Therefore,

Resolved by the general assembly of Virginia, That when the present legislature shall adjourn on the _____ day of _____ next, it shall adjourn to meet on the 28th day of May 1849.

And the question being put upon the amendment, was determined in the affirmative.

The question recurred upon the adoption of the report of the committee as amended, and was determined in the affirmative. Ayes 62, noes 58.

On motion of Mr. RIVES, the vote was recorded as follows :

AYES—Messrs. Hart, Smith, Boisseau, Cheatham, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Maclin of Brunswick, Harrison of Brunswick, Moore, Irvine of Campbell, Cardwell, Jones, Barbour, Irving of Cumberland, Vaughan, Clarke, Thomas, Rector, M'Clung, Howard of Floyd, Wood, Synnor, Baily, Price, Maclin of Greenville, Allen, Hiatt, Baasel, Lancaster, Laidley, Houser, Lane of Lee, Clendenin, Coleman, Whittle, Tanzey, Barnett, Kilby, Perrow, Cowper, Yerby, Turner, Hiner, Syme, Townes, Grasty, Fairfax, Harrison of Prince William, Goff, Mayo, Pitman, Sibert, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Burdett, Boyers, Massey, Harvey and Collins—62.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Watson, Layne of Alleghany, M'Cue, Sheffey, Byrd, Mitchell, Burwell, Kyle, Wills, Moncure of Caroline, Lacy, Scott, Stillman, Claiborne, Edwards, Clopton, Guerrant, Carroll, Major, Darracott, Welton, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Ferguson, White, Harrison of Loudoun, Beard, Harris, Newman, Shepard, Beirne of Monroe, Robinson, Butt, Booth, Pitts, Pannill, Buswell, Cackley, Herbert, Wootton, Rives, Strother, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Hargrave, George, Goodson and Boyd—58.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. LAYNE of Alleghany,

Resolved, That the committee of roads and internal navigation be

instructed to enquire into the expediency of incorporating a joint stock company to construct a turnpike road from Dibrell's springs to Buchanan, passing by or near the saltpetre cave.

A motion was made by Mr. HINER, that the house adopt the following resolution :

Resolved, That from after Monday next, this house will meet at 11 o'clock, A. M. until otherwise ordered.

On motion of Mr. CLAIBORNE,

Ordered, That the same be laid upon the table.

The SPEAKER laid before the house a communication from the governor, enclosing one from Mr. Alexandre Vattemare, as the agent of international exchange for the state of Virginia ; which, on motion of Mr. BURWELL, was laid upon the table and ordered to be printed. [Doc. No. 56.]

Mr. BEIRNE of Monroe, from the committee on the penitentiary institution, presented a report, which on his motion was ordered to be printed. [Doc. No. 57.]

Also the following bill :

No. 283. A bill imposing a fee upon persons visiting the interior of the penitentiary.

On motion of Mr. DARRACOTT, the rule of the house was suspended and the vote ordering the communication of the governor, relative to the irregularities and informalities in the returns of the votes for president and vice-president of the United States, to be printed, was reconsidered ; and then on motion of Mr. HARRISON of Loudoun, the communication was ordered to be referred to a committee to consist of seven members.

The SPEAKER deferred announcing said committee until to-morrow.

On motion of Mr. RIVES,

Ordered, That the report of the committee, consisting of the disbursements for the repairs and furniture for the governor's house, together with the estimates of the value of said furniture, be printed for the general assembly. [Doc. No. 58.]

Mr. MAYO presented a petition of the members of the bar of the City of Richmond, praying the passage of an act restoring the law with regard to called courts, so far as it applies to offences of a criminal nature within the jurisdiction of the hustings court of said city, which was ordered to be referred to the committee for courts of justice.

Mr. PAXTON presented a petition of citizens of the county of Rockbridge, praying that the clerks of the county and circuit courts of said county may be allowed a specific salary from the fees of their offices, and that the surplus fees above said salary may be applied to county purposes, which was ordered to be referred to a committee of Messrs. Paxton, Moore, Thompson of Botetourt, Finney, Major, Goff, and Layne of Alleghany.

On motion of Mr. Houser, the house adjourned until to-morrow 12 o'clock.

FRIDAY, FEBRUARY 2, 1849.

Prayer by the Rev. LEROY M. LEE, of the Methodist church.

A communication from the senate by their clerk was read as follows :

IN SENATE, JANUARY 30, 1849.

The senate have agreed to the resolution for the election of a councillor of state, with an amendment, in which they request the concurrence of the house of delegates.

The said amendment being read, was amended on motion of Mr. BOISSEAU, and as amended, agreed to, and it was ordered that the clerk inform the senate thereof, and request their concurrence in the said amendment.

The SPEAKER announced the following as the committee to whom the governor's communication was referred relative to the informalities and irregularities in the vote for president and vice-president of the United States, viz: Messrs. Harrison of Loudoun, Strother, Wood, Barbour, Faulkner, Ferguson, and Lane of Lee.

Mr. WORTHINGTON, from the committee for courts of justice, presented reports upon the resolution for enacting that no demurrer shall be entertained to any declaration because of misjoinder; and upon the petitions of citizens of Rockingham county, for change of the laws in relation to free negroes; and of citizens of Wythe county, for authority to sell the farm belonging to the county for the use of the poor.

Mr. JONES, from the committee of propositions and grievances, presented a report upon the petition of citizens of the counties of Cabell, Putnam and Kanawha, for a change of part of the boundary line of the county of Putnam; and the following bills:

No. 284. A bill to amend the act, entitled "an act incorporating the town of Charleston in the county of Kanawha."

No. 285. A bill amending the act, entitled "an act concerning the lands of Henry C. Moore of the county of Randolph."

No. 286. A bill authorizing two separate elections in the county of Mathews; and

No. 287. A bill to amend the act, entitled "an act to incorporate the Portsmouth and Chesapeake steamboat company."

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bills:

No. 288. A bill to extend the act passed March the 20th, 1847, entitled "an act incorporating the Alexandria and Harper's Ferry railroad company."

No. 289. A bill concerning the Little's falls railroad company.

No. 290. A bill to amend the act passed March 5th, 1846, entitled "an act to incorporate the Southside railroad company."

No. 291. A bill concerning the Smithfield, Charlestown and Harper's Ferry turnpike company.

No. 292. A bill directing a subscription on behalf of the commonwealth to the increased capital of the Louisa railroad company; and

No. 293. A bill to authorize an additional subscription for the commonwealth to the capital stock of the New Shenandoah company.

Mr. DORMAN, from the committee on the militia laws, presented the following bill:

No. 294. A bill to exempt a company in the 107th regiment from attending the regimental muster of said regiment.

Mr. STOVALL, from the committee of finance, presented reports upon the petitions of William Wood, of Charles A. Johnston, and of Cyrus A. Larue and others, of the county of Greenbrier.

Mr. PANNILL, according to order, presented the following bill:

No. 295. A bill to renew the charter of the Swift run gap turnpike.

Mr. STOVALL, further from the committee of finance, presented the following bill:

No. 296. A bill concerning Abby B. Hopkins and children.

Mr. SHEPARD, from the committee on the armory, presented a report thereon.

On motion of Mr. BOYERS,

Resolved, That the committee of propositions and grievances be instructed to enquire into the expediency of reporting a bill fixing the time of meeting of the general assembly on the 1st day of January annually instead of the time now required by law.

Mr. STOVALL, further from the committee of finance, presented the following bill:

No. 297. A bill concerning Thomas Green.

The following report of the committee of propositions and grievances, was taken up on motion of Mr. PITTS, and read:

The committee of propositions and grievances have, according to order, had under consideration a resolution of the house of delegates, instructing them to "enquire into the expediency of reporting a bill confirming the seat of justice of Hancock county at the town of New Manchester:" Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to report such a bill, there being no notice as required by the 23d rule of the house of delegates in such cases; *and moreover, because the seat of justice of said county is already permanently fixed at the town of New Manchester, by virtue of the act establishing Hancock county.*

A motion was made by Mr. SHEFFER to amend the same by striking therefrom the words in *italics*, and it was determined in the negative.

The said resolution was then agreed to by the house.

A motion was made by Mr. SYME that the following be adopted as one of the standing rules of the house:

"No feed counsel shall be allowed to discuss any subject before a committee of this house without first obtaining the leave of the house."

The same was amended on motion of Mr. BASSEL, by striking out the words, "without first obtaining the leave of the house."

A motion was then made by Mr. FERGUSON to amend the rule by striking out the words "feed counsel" and insert the word "persons."

Thereupon, on motion of Mr. PRICE, the said rule and proposed amendment were indefinitely postponed.

Mr. FERGUSON, from the committee for courts of justice, presented a report, which, on his motion was taken up and read as follows:

The committee for courts of justice have, according to order, had under consideration the preamble and resolutions in relation to the cession by the state of Kentucky, of a portion of her territory to the state of Virginia, to them referred, and recommend their adoption.

Whereas a portion of the citizens of Pike county, in the state of Kentucky, have presented to this general assembly their petition, avowing their purpose to apply to the legislature of Kentucky at its present session, to pass an act ceding to the state of Virginia that part of the said county of Pike included within the following boundaries, to wit: Beginning at the mouth of Big creek on the Tug fork of Sandy river; thence up and along the top of the ridge above said creek to the top of the main dividing ridge between the waters of the right and left hand forks of Sandy river, thence with and along the top of said main dividing ridge to the line between Kentucky and Virginia, thence with said line to Tug river, and down the same to the beginning; and have prayed such legislation by this general assembly as may be necessary to effect that object:

Be it therefore resolved by the general assembly, That in case the legislature of Kentucky shall at any time pass an act ceding to the state of Virginia that portion of her territory included within the above limits, Virginia will accept such cession; and that the territory so ceded shall be annexed to and form a part of the county of Logan.

Resolved, That the governor of this commonwealth be requested to transmit a copy of this preamble and resolutions to the governor of Kentucky, with a request that he communicate the same to the legislature of that state.

The said resolutions were severally agreed to, and it was ordered that the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. FAULKNER, the report of the committee to enquire into the existing legislation of congress upon the subject of fugitive slaves, was taken up and made the order of the day for Tuesday next.

No. 114. A bill to amend the act, entitled "an act concerning the City of Norfolk," passed February 13th, 1845, with the amendment thereto proposed by Mr. PRICE, was taken up on motion of Mr. ROBINSON, and with the leave of the house Mr. PRICE withdrew the said amendment; thereupon Mr. ROBINSON submitted an amendment by way of substitute, which on his motion was ordered to be printed, and on motion of Mr. SCOTT the bill and amendment were laid upon the table.

No. 11. A bill concerning juries in civil cases, was taken up on motion of Mr. SCOTT, read a second time, and amended on motions severally made; a motion was then made by Mr. KILBY, further to amend the same; and a motion was made by Mr. LANE of Lee, to amend said amendment; and then on his motion the bill and amendments were laid upon the table and made the order of the day for Friday next.

On motion of Mr. MAYO,

Resolved, That the committee on agriculture and manufactures enquire into the expediency of passing a law to prevent any manufac-

turer of tobacco within this commonwealth from using the brand or mark of another manufacturer of the same article.

A report of the committee for courts of justice upon the petition of the Rev. Isaac Soule, was taken up on motion of Mr. MARTZ, and ordered to be committed to the committee which brought it in.

Mr. MAYO presented a petition of the insurance company in the City of Richmond, and of merchants and owners of property in said city and in the cities of New York, Baltimore and Philadelphia, engaged in trade and commerce, asking the passage of an act to define the pay of commissioners of wrecks.

Mr. ROBINSON, a petition of N. C. King, in behalf of the firemen of the City of Norfolk, praying an amendment to the act of March 6, 1840, exempting certain fire companies from petit jury duty.

Mr. SIBERT, a petition of Reuben Lee, a free man of colour, asking to be permitted to remain in the commonwealth.

Ordered, That said petitions be referred to the committee for courts of justice.

Mr. MASSEY presented a petition of citizens of the county of Boteourt, praying the passage of an act to authorize Charles B. Penn to establish a ferry or bridge from the town of Jackson to the lands of said Penn.

Mr. M'CLUNG presented a petition of William Morris, remonstrating against the manner in which certain property condemned by the James river and Kanawha company has been used by them to his prejudice.

Ordered, That said petitions be referred to the committee of roads and internal navigation.

On motion of Mr. PITTS,

Resolved, That the committee for courts of justice enquire into the expediency of reporting a bill to empower the judge of the circuit superior court of law and chancery for the county of Ohio to increase the annual allowance to the clerk of said county for his public services.

On motion of Mr. WATSON,

Resolved, That the use of this hall be granted to the Virginia colonization society, for the purpose of holding a meeting of said society, on Thursday evening next, the 8th instant.

On motion of Mr. CLAIBORNE, the resolution on yesterday submitted by Mr. HINER, was taken up, and being amended on motion of Mr. YERBY, was, as amended, agreed to as follows:

Resolved, That from and after Monday week this house will meet at 11 o'clock A. M. until otherwise ordered.

No. 108. A bill authorizing a separate election at the house of John Rupe in the county of Pulaski, was read a second time, amended on motions made by Mr. WORTHINGTON and Mr. STROTHER, and, as amended, ordered to be engrossed and read a third time.

No. 110. A bill concerning bail in civil actions, was read a second time, and, on motion of Mr. WATSON, ordered to be committed to the committee which brought it in.

No. 60. A bill concerning the appellate jurisdiction of the circuit superior courts of law and chancery, with the amendment thereto proposed by the committee for courts of justice, was taken up, and the

said amendment having been agreed to, the bill, as amended, was ordered to be engrossed and read a third time.

The following bills were read a second time, and ordered to be engrossed and read a third time, viz :

No. 105. A bill for the relief of Milton Ferguson, as superintendent of schools for Wayne county.

No. 106. A bill extending the corporate limits of the town of Lewisburg, and enlarging the powers of the trustees thereof.

No. 107. A bill to prevent the destruction of oysters in Ware river in the county of Gloucester; and

No. 109. A bill repealing the first, second and third sections of an act, entitled "an act concerning the correction of errors committed in the progress of chancery causes, and regulating appeals from decrees pronounced therein."

No. 111. A bill for the relief of Harry Parker, was read a second time, amended on motion of Mr. STOVALL, and, as amended, ordered to be engrossed and read a third time.

On motion of Mr. GRIFFIN, the house adjourned until to-morrow 12 o'clock.

SATURDAY, FEBRUARY 3, 1849.

Prayer by the Rev. JACOB MANNING of the Methodist church.

A communication from the senate by their clerk was read as follows :

IN SENATE, JANUARY 31, 1849.

The senate have agreed to the resolution voting the thanks of the state to Lieut. William F. Lynch for his donation of Khaisi cattle.

Mr. CHEATHAM, from the committee of claims, presented the following bills :

No. 298. A bill concerning the heirs at law of Doctor Alexander Gordon, deceased; and

No. 299. A bill concerning John M. Fergusson, serjeant and jailor of the City of Richmond.

Mr. FERGUSON, from the committee for courts of justice, presented the following bills :

No. 300. A bill to define the pay of commissioners of wrecks, and for other purposes.

No. 301. A bill concerning office copies of certain deeds; and

No. 302. A bill concerning criminal prosecutions in the City of Richmond.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bill :

No. 303. A bill to incorporate the Rich Patch turnpike company.

Mr. WHITTLE, from the committee of schools and colleges presented a report upon the petition of Leroy Dixon; and the following bills :

No. 304. A bill concerning the collectors of the school taxes of Norfolk county; and

No. 305. A bill authorizing part of the school quota of Frederick county to be applied to the support of a school at Middletown.

A motion was made by Mr. GRASTY that the house adopt the following resolution:

Resolved by the general assembly of Virginia, That this general assembly will close its present session on Saturday the 3d day of March next.

A motion was made by Mr. FERGUSON that the same be laid upon the table, and it was determined in the negative. Ayes 48, noes 52.

On motion of Mr. GRIFFIN, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Watson, Layne of Alleghany, M'Cue, Sheffey, Byrd, Thompson of Botetourt, Wills, Moncure of Caroline, Lacy, Segar, Thomas, Scott, Stillman, Price, Allen, Darracott, Welton, Bassel, Lancaster, Laidley, Ferguson, Beard, Arnett, M'Donald, Clendenin, Beirne of Monroe, Barnett, Perrow, Yerby, Buswell, Hiner, Cackley, Fairfax, Goff, Mayo, Cook, Dorman, Paxton, Martz, Harper, Fugate, Pitman, Sibert, Burdett, George, Boyers and Boyd—48.

NOES—Messrs. Finney, Nock, Cheatham, Mitchell, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moore, Jones, Barbour, Irving of Cumberland, Vaughan, Clarke, Rector, Howard of Floyd, Claiborne, Edwards, Sydnor, Clopton, Guerrant, Carroll, Maclin of Greenville, Major, Hiatt, Mullins, Boykin, Lane of Lee, White, Harris, Newman, Shepard, Coleman, Whittle, Tanzey, Kilby, Robinson, Cowper, Basye, Pitts, Pannill, Turner, Townes, Grasty, Wootton, Rives, Harrison of Prince William, Thompson of Smyth, Griffin, Nicholson, Massey, Harvey and Collins—52.

A motion was made by Mr. BARBOUR to amend the said resolution, by striking out the words "*Saturday the 3d,*" and insert in lieu thereof the words "*the 10th,*" and a motion was made by Mr. DORMAN to amend the said amendment by striking out the words "*the 10th,*" and inserting in lieu thereof the words "*Monday the 19th.*"

On motion of Mr. PITTS, the further consideration of the said resolution and proposed amendments was indefinitely postponed. Ayes 63, noes 44.

On motion of Mr. EDWARDS, the vote thereupon was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Watson, Smith, Layne of Alleghany, M'Cue, Sheffey, Byrd, Burwell, Thompson of Botetourt, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Irving of Cumberland, Segar, Thomas, Scott, Rector, Stillman, Wood, Bailly, Guerrant, Price, Allen, Darracott, Welton, Bassel, Lancaster, Mullins, Laidley, Lane of Lee, Ferguson, Beard, Arnett, M'Donald, Clendenin, Beirne of Monroe, Barnett, Perrow, Cowper, Pitts, Buswell, Hiner, Townes, Cackley, Fairfax, Goff, Mayo, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Burdett, George, Boyers, Goodson, Collins and Boyd—63.

NOES—Messrs. Finney, Nock, Cheatham, Mitchell, Faulkner, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moore, Cardwell, Jones, Barbour, Vaughan, Clarke, Howard of Floyd, Claiborne, Edwards, Sydnor, Clopton, Carroll, Maclin of Greenville, Major, Hiatt, Boykin, White, Harris, Newman, Shepard, Coleman, Whittle, Tanzey, Yerby, Basye, Pannill, Turner, Grasty, Wootton, Rives, Harrison of Prince William, Thompson of Smyth, Griffin, Nicholson, Massey and Harvey—44.

On motion of Mr. SCOTT,

Resolved, That the friends of the American tract society have leave to use this hall for a public meeting on Tuesday evening the 6th instant.

On motion of Mr. TANZEY,

Ordered, That leave be given to bring in a bill to amend the several acts in relation to the Pennsylvania, Morgantown and Beverley road, and that Messrs. Tanzey, Hiatt, Martz, Allen, M'Donald, Fairfax and Goff, prepare and bring in the same, and that said committee have leave to sit during the session of the house.

On motion of Mr. COOK,

Resolved, That the committee on finance enquire into the expediency of increasing the compensation of the commissioner of the revenue for Roanoke county.

Mr. SCOTT presented a petition of citizens of the county of Fauquier for the formation of a new county out of a part thereof.

The SPEAKER laid before the house sundry documents relating to the formation of said new county.

Ordered, That said petition and documents be referred to the committee of propositions and grievances.

A motion was made by Mr. PERROW, that the house adopt the following resolution :

Resolved, That a select committee be appointed to enquire into the expediency of reporting resolutions in relation to Mr. Asa Whitney's plan for connecting by railroad the Atlantic and Pacific oceans; also the plan of William Bayard & Co. for running a railroad from the Mississippi river to California, and any other plan having the same object in view.

And the question being put thereupon, was determined in the affirmative.

And a committee was appointed of Messrs. Perrow, Segar, Laidley, Sheffey, Dorman, Thomas, Burwell, Goodson, Townes and Boyd.

Mr. SCOTT submitted the following resolution, which, on his motion, was ordered to be laid upon the table, viz :

The general assembly of Virginia being sensible that virtue is the surest foundation of social and political prosperity, and recognizing it as the duty of all persons entrusted with the administration of public affairs, to promote by all proper means religion and morality, as the indispensable supports of those dispositions and habits which lead to its cultivation and growth; and deeming it to be the duty of every community publicly to acknowledge the providence of Almighty God, the beneficent author of all good, and humbly to implore his protection and favour :

Be it therefore resolved by the general assembly, That the governor be requested to recommend annually to the people of this commonwealth a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many and signal favours of Almighty God, bestowed upon us as a people; and especially for the tranquillity, peace and plenty we have enjoyed; for the success with which we have been enabled to establish constitutions of government

for our safety and happiness; for the civil and religious liberty with which we are blessed, and the means we have of acquiring and diffusing useful knowledge; and in general, for all the great and various favours which he has been pleased to confer upon us.

Mr. FERGOSSON, from the committee for courts of justice, reported with amendment the following bill:

No. 110. A bill concerning bail in civil actions.

Mr. TANZEY, according to order, presented the following bill:

No. 306. A bill to amend the several acts relating to the Pennsylvania, Morgantown and Beverley road.

Mr. BEIRNE of Monroe, from the committee on the penitentiary, presented a report upon the resolution providing for religious instruction to the convicts in the penitentiary.

On motion of Mr. FAULKNER,

Resolved, That the superintendent of the penitentiary be requested to report more in detail than he has done in his general report of the 30th of October 1848, the advantages of moral and religious instruction at this time enjoyed by the convicts confined in the penitentiary; how often, by whom, and under what regulations such instruction is allowed or encouraged, together with any facts which in his judgment may throw light upon the expediency or in expediency of making some provision by law for the moral improvement and religious instruction of the convicts.

On motion of Mr. JONES, leave was granted to withdraw the petition of Richard Gregory, presented at the last session of the legislature, praying to be allowed to remain in the commonwealth; thereupon, he again presented the same, and it was ordered to be referred to the committee for courts of justice.

Mr. JONES presented documents relative to the formation of the new county out of the counties of Fauquier and Loudoun, which were ordered to be referred to the committee of propositions and grievances.

Mr. BURDETT presented a petition of citizens of the county of Taylor, asking for the establishment of a separate election at the house of William R. Copland in said county, which was ordered to be referred to the same committee.

Mr. GEORGE presented a memorial of citizens of the county of Grayson, remonstrating against the removal of the seat of justice of said county, which, on motion of Mr. CARROLL, was ordered to be laid upon the table.

Mr. HOWARD of Floyd presented a petition of the trustees of the Jacksonville academy, praying the passage of an act to change the name of the said institution, and for other purposes; which was ordered to be referred to the committee of schools and colleges.

The following engrossed bills were read a third time and passed, viz:

No. 60. A bill concerning the appellate jurisdiction of the circuit superior courts of law and chancery; and

No. 106. A bill extending the corporate limits of the town of Lewisburg, and enlarging the powers of the trustees thereof.

Ordered, That the clerk communicate the said bills to the senate, and request their concurrence.

No. 107. An engrossed bill to prevent the destruction of oysters in Ware river in the county of Gloucester, was read a third time, and on motion of Mr. SHEPARD, the farther consideration thereof was indefinitely postponed.

Resolved, That said bill be rejected.

No. 105. An engrossed bill for the relief of Milton Ferguson, as superintendent of schools for Wayne county, was read a third time, and the question being put upon its passage, was determined in the negative. Ayes 41, noes 47.

On motion of Mr. WHITTLE, the vote thereon was recorded as follows:

AYES—Messrs. Finney, Layne of Alleghany, Sheffey, Byrd, Byrne of Braxton, Lewis and Gilmer, Moore, Irving of Cumberland, Rector, M'Clung, Edwards, Baily, Price, Allen, Bassel, Laidley, Lane of Lee, Ferguson, Arnett, M'Donald, Clendenin, Tanzey, Beirne of Monroe, Barnett, Pitts, Pannill, Turner, Hiner, Cackley, Fairfax, Goff, Mayo, Martz, Aston, Fugate, Thompson of Smyth, George, Boyers, Goodson, Harvey, Collins and Boyd—41.

NOES—Messrs. Hopkins, (speaker,) Nock, Watson, Mitchell, Burwell, Boak, Maclin of Brunswick, Kyle, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Cardwell, Jones, Vaughan, Howard of Floyd, Stillman, Synnor, Carroll, Stovall, Major, Hiatt, Darracott, Welton, Lancaster, Thomson of Jefferson, White, Harris, Newman, Coleman, Whittle, Gustin, Kilby, Cowper, Yerby, Buswell, Townes, Grasty, Rives, Harrison of Prince William, Paxton, Harper, Pitman, Sibert, Moncure of Stafford, Burdett and Massey—47.

Resolved, That said bill be rejected.

The SPEAKER laid before the house a communication from the governor, enclosing quarterly statements of some of the banks of this state, shewing their condition at the close of the year 1848; which, on motion of Mr. DARRACOTT, was ordered to be laid upon the table and be printed. [Doc. No. 59.]

On motion of Mr. PERROW, the house adjourned until Monday 12 o'clock.

MONDAY, FEBRUARY 5, 1849.

Prayer by the Rev. ALMON GAGE, of the Universalist church.

A communication from the senate by their clerk, was read as follows:

IN SENATE, FEBRUARY 2, 1849.

The senate have passed the bill, entitled "an act to annex to the county of Roanoke a part of the county of Montgomery." (No. 81.)

Mr. WOOD, from the committee of privileges and elections, presented a report upon the resolution for changing the time of holding the congressional and state elections.

Mr. WHITTLE, from the committee of schools and colleges, presented the following bill:

No. 307. A bill to suspend the payment of interest on the loans to the Richmond medical college.

Mr. JONES, from the committee of propositions and grievances, presented reports upon resolutions for authorizing the clerk of the county

court of Pittsylvania to execute a deed to Joshua P. Roach for certain lands; and for establishing a line of stages from the terminus of the Louisa railroad to the White Sulphur springs; and upon petitions of citizens of the county of Gloucester for certain modifications in the oyster laws; and of citizens of the City of Wheeling, praying that the election wards of the city shall be used as places of voting in state elections; and the following bills:

No. 308. A bill authorizing a separate election at M'Dowell's in the county of Highland; and

No. 309. A bill authorizing a separate election at Blackwell's tanyard, in the county of Albemarle.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bills:

No. 310. A bill to incorporate the Clarksburg and Philippi turnpike company.

No. 311. A bill to amend the act incorporating the Elk river bridge company.

No. 312. A bill to incorporate the Petersburg and Lynchburg railroad company.

No. 313. A bill to incorporate the Norfolk and Western railroad company.

No. 314. A bill to incorporate the Parkersburg and Tygart's valley railroad company.

No. 315. A bill directing a survey of Powell's and Clinch rivers, from and to certain points therein specified.

No. 316. A bill subjecting the Appomattox railroad company to the provisions of the general railroad law; and

No. 317. A bill to provide for constructing a road across the Blue Ridge between Madison and Page counties.

Mr. STOVALL, from the committee of finance, presented the following bill:

No. 318. A bill to permit Robert Walsh, and the heirs of Anna M. Walsh, to pay taxes on certain lands.

Mr. MONCURE of Stafford, from the committee on revision, presented certain amendments to the bills reported by the revisors, contained in the first volume of their report; which, on his motion, were ordered to be printed. [Doc. No. 60.]

Mr. BOOTH, from a select committee, presented a report on that portion of the governor's message concerning the Richmond and Danville railroad company.

Mr. STOVALL, from the committee of finance, presented the following bill:

No. 319. A bill increasing the salaries of the commissioners of the revenue for the towns of Norfolk and Petersburg.

Mr. PERROW, from a select committee, presented a preamble and resolutions concerning a railroad to connect the Atlantic and Pacific oceans, which, on motion of Mr. ROBINSON, were ordered to be printed for the use of the general assembly. [Doc. No. 61.]

On motion of Mr. PRICE,

Resolved, That so much of the fourth annual report of the James

river and Kanawha company as relates to the railroad from Covington to the Kanawha, beginning at page 342, be printed for the use of the members. [Doc. No. 62.]

On motion of Mr. KILBY,

Resolved, That the committee of propositions and grievances enquire into the expediency of incorporating the Virginia telegraph company.

On motion of Mr. MOORE,

Resolved, That the committee of propositions and grievances enquire into the expediency of reporting a bill to prohibit the citizens of Ohio from fishing on the waters of Big Sandy river in Virginia.

On motion of Mr. GOFF,

Resolved, That the committee for courts of justice enquire into the expediency of extending the time of limitation upon merchants' accounts.

On motion of Mr. FUGATE,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of amending the act, entitled "an act authorizing constables to require indemnifying bonds," passed February 4th, 1831, so as to give the courts jurisdiction over all such bonds, notwithstanding the penalty therein be less than twenty dollars.

On motion of Mr. KILBY,

Resolved, That the committee on finance enquire into the expediency of increasing the compensation to the commissioner of the revenue of the upper district in Nausemond county.

On motion of Mr. ARNETT,

Resolved, That the committee of roads and internal navigation enquire into the expediency of so amending the act, entitled "an act to provide for the construction of a turnpike road from Beverley in Randolph, to Fairmont in Marion," passed January 14th, 1848, as to extend the road provided for in said act, from Fairmont to Blacksville in Monongalia.

On motion of Mr. COWPER,

Resolved, That the committee of finance enquire into the propriety of permitting William F. Lemosy to sell lottery tickets in the town of Portsmouth for the period of three months and days, under a license obtained in the year 1848.

On motion of Mr. GEORGE,

Resolved, That the committee on banks enquire into the expediency of reporting a bill authorizing any of the banks of this state to locate a branch at Jeffersonville in the county of Tazewell.

Mr. KYLE submitted a document to be used as evidence in the contested election from the county of Buckingham, which was ordered to be referred to the committee of privileges and elections.

Mr. SCOTT presented a petition of citizens of the county of Fauquier, praying for the formation of a new county out of parts of the counties of Fauquier and Loudoun, which was ordered to be referred to the committee of propositions and grievances.

Mr. GOFF presented a petition of Peter Conrod, sheriff of the county of Randolph, asking to be allowed compensation for an additional

guard employed to convey a convict to the penitentiary, which was ordered to be referred to the committee of claims.

Mr. WILLS presented a petition of Hunt & Langhorne and others, millers in the counties of Campbell, Bedford and Amherst, asking the repeal of all laws requiring the inspection of flour before it is exported out of the state, which was ordered to be referred to the committee on agriculture and manufactures.

Mr. BOYERS presented a petition of citizens of the county of Tyler, praying that Sancho creek may be declared a public highway, which was ordered to be referred to the committee of roads and internal navigation.

Mr. MITCHELL presented a petition of citizens of the county of Bedford, for the establishment of a savings bank at the cross roads in said county, which was ordered to be referred to the committee on banks.

Mr. MAYO presented a petition of Augustus C. Gale and wife, praying that the commonwealth's right to certain property, which is liable to escheat to the state, may be released to the wife of the said Gale, for her sole and separate use, which was ordered to be referred to the committee for courts of justice.

Mr. WATSON presented a petition of Richard F. Farrar, praying the passage of an act authorizing the superintendent of schools for the county of Albemarle to compensate him for the education of certain poor children, out of the general balance of the school fund in his hands, which was ordered to be referred to the committee of schools and colleges.

Mr. THOMAS presented a petition of the committee appointed by the Historical society of Virginia, to take into consideration the best means for securing the erection in Virginia of a suitable monument to George Washington, praying that proper measures may be taken to accomplish that purpose; which was ordered to be referred to a committee of Messrs. Thomas, Conway, Lacy, Vaughan, Scott, Ferguson, Burwell, Claiborne, Laidley, Moncure of Stafford, Watson, Jones and Whittle.

On motion of Mr. THOMAS,

Ordered, That the said petition be printed for the general assembly.
[Doc. No. 63.]

A report of the committee of propositions and grievances, upon the petition of John and Lewis W. Wimbish for the re-establishment of Royster's ferry across the Roanoke river, was taken up on motion of Mr. WHITTLE, and ordered to be referred to a committee of Messrs. Whittle, Cardwell, Townes, Maclin of Brunswick, Vaughan, Maclin of Greenville, Irving of Cumberland, Boisseau, Mullins, Major and Booth.

No. 4. A bill incorporating the Virginia cannel coal company, was taken up on motion of Mr. FERGUSON, and the amendments heretofore proposed by the committee on agriculture and manufactures were agreed to, and the bill as amended was ordered to be engrossed and read a third time.

No. 61. A bill making an appropriation for the erection of new barracks at the Virginia military institute, was taken up as the order of the day; thereupon a motion was made by Mr. LACY to amend the same. The amendment was amended on motion of Mr. YERBY.

A motion was made by Mr. CLAIBORNE, that the farther consideration of said bill and proposed amendments be indefinitely postponed, and it was determined in the negative. Ayes 39, noes 72.

On motion of Mr. BYRD, the vote was recorded as follows :

AYES—Messrs. Nock, Cheatham, Byrd, Maclin of Brunswick, Kyle, Cardwell, Barbour, Howard of Floyd, Claiborne, Edwards, Baily, Carroll, Maclin of Greenville, Stovall, Major, Hiatt, Bassel, Mullins, Houser, Lane of Lee, Newman, Arnett, Shepard, Coleman, Whittle, Tanzey, Butt, Basye, Turner, Townes, Cackley, Wootton, Rives, Harrison of Prince William, Aston, Fugate, Pitman, Harvey and Collins—39.

NOES—Messrs. Hopkins, (speaker,) Watson, Layne of Alleghany, M'Cue, Sheffey, Mitchell, Boak, Thomson of Botetourt, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Jones, Irving of Cumberland, Vaughan, Segar, Clarke, Thomas, Rector, M'Clung, Stillman, Sydnor, Clopton, Price, Darracott, Welton, Lancaster, Boykin, Thomson of Jefferson, Laidley, Ferguson, White, Harrison of Loudoun, Beard, Harris, M'Donald, Clendenin, Beirne of Monroe, Barnett, Kilby, Perrow, Cowper, Yerby, Pitts, Pannill, Buswell, Hiner, Syme, Grasty, Fairfax, Goff, Mayo, Cook, Dorman, Paxton, Martz, Harper, Sibert, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Nicholson, Burdett, George, Boyers, Massey, Goodson and Boyd—72.

The amendment, as amended, is the following :

Whereas it is represented to the general assembly by the board of visitors of the Virginia military institute that the thorough repair of the buildings of said institution has become a matter of necessity, and that the accommodations now provided are insufficient for the number of cadets now admitted, or who are applicants for admission; and it is proper that such repairs should be made, and that the benefits of said institution should be extended :

1. *Be it therefore enacted by the general assembly*, That the sum of ten thousand dollars be and the same is hereby appropriated for thoroughly repairing and enlarging the buildings of said institution, to be expended under the direction of the board of visitors in such manner as to them shall seem advisable; and the auditor of public accounts is hereby authorized and required to issue his warrant upon the public treasury for the amount hereby appropriated, whenever it shall be certified to him by the superintendent of said institute that contracts have been made for making and completing said repairs and additions within the limits hereby authorized, as the amounts shall respectively become due under said contracts.

2. This act shall be in force from its passage.

And the question being put on adopting the amendment, was determined in the affirmative. Ayes 66, noes 42.

On motion of Mr. RIVES, the vote was recorded as follows :

AYES—Messrs. Nock, Watson, Cheatham, M'Cue, Byrd, Mitchell, Boak, De Camps, Harrison of Brunswick, Kyle, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Cardwell, Jones, Irving of Cumberland, Vaughan, Clarke, Thomas, Rector, M'Clung, Howard of Floyd, Edwards, Sydnor, Baily, Clopton, Maclin of Greenville, Major, Allen, Hiatt, Welton, Lancaster, Boykin, Ferguson, White, Beard, Harris, Newman, M'Donald, Clendenin, Coleman, Whittle, Tanzey, Beirne of Monroe, Barnett, Gustin, Kilby, Yerby,

Pannill, Turner, Townes, Grasty, Mayo, Martz, Harper, Pitman, Sibert, Thompson of Smyth, Griffin, Burdett, George, Boyers, Goodson, Harvey and Collins—66.

NOES—Messrs. Hopkins, (speaker,) Layne of Alleghany, Sheffey, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, Maclin of Brunswick, Barbour, Segar, Stillman, Claiborne, Carroll, Price, Stovall, Darracott, Bassel, Mullins, Thomson of Jefferson, Laidley, Houser, Lane of Lee, Shepard, Perrow, Bazy, Pitts, Buswell, Hiner, Syme, Cackley, Fairfax, Wootton, Rives, Harrison of Prince William, Goff, Dorman, Paxton, Aston, Fugate, Conway, Moncure of Stafford, Nicholson, Massey and Boyd—42.

The question recurred upon engrossing the bill as amended, and was determined in the affirmative.

On motion of Mr. FUGATE, the house adjourned until to-morrow 12 o'clock.

TUESDAY, FEBRUARY 6, 1849.

Prayer by the Rev. ALMON GAGE, of the Universalist church.

A communication from the senate by their clerk was read as follows :

IN SENATE, FEBRUARY 3, 1849.

The senate have agreed to the amendment proposed by the house of delegates to their amendment to the resolution for the election of a councillor of state.

And they have rejected the bill, entitled

“An act to authorize county courts to establish public landings with restrictions upon the public use thereof.” (No. 84.)

Mr. CLAIBORNE, from the committee for courts of justice, presented the following bills :

No. 320. A bill for the relief of Reuben Lee.

No. 321. A bill for the relief of Richard Gregory ; and

No. 322. A bill authorizing the sale of a tract of land devised by Henry Smith of Rockingham county to his daughter Elizabeth and her children.

Mr. CHEATHAM, from the committee of claims, presented the following bills :

No. 323. A bill refunding to Anthony Loftas certain fines imposed by the circuit superior court of law and chancery for Monongalia county ; and

No. 324. A bill concerning Charles Lovelace, jailor of the county of Pittsylvania.

Mr. CONWAY, from the committee on banks, presented reports upon the resolution for the establishment of a branch bank at Abingdon ; and upon the petition of George M'Intosh and others of the City of Norfolk ; and the following bills :

No. 325. A bill to incorporate a branch bank at Jeffersonville in the county of Tazewell ; and

No. 326. A bill to incorporate the Monroe savings bank in the town of Union.

Mr. LACY, from the committee on the office of the auditor of public accounts, presented a report ; and the following bills :

No. 327. A bill to amend an act, entitled "an act to amend an act for printing records of causes in the court of appeals," passed March 24, 1842, and for other purposes ; and

No. 328. A bill reviving the second section of an act, entitled "an act for printing records of causes in the court of appeals," passed March 24th, 1842.

Mr. SEGAR, from the committee on the subject of the pilot laws, presented the following bill :

No. 329. A bill to amend the act passed March 13th, 1848, entitled "an act for the appointment and regulation of pilots on the Potomac river."

On motion of Mr. WHITTLE, he was excused from serving on the committee appointed on yesterday, relative to a ferry across the Roanoke river.

On motion of Mr. DARRACOTT,

Resolved, That the committee on agriculture and manufactures be instructed to enquire into the expediency of incorporating the Union manufacturing company.

Mr. MAYO presented a petition of the Madison mining and trading company, praying to be allowed a loan of arms, which was ordered to be referred to the committee on the armory.

Mr. PAXTON submitted an amendment intended to be proposed by him to the bill, entitled "an act authorizing a subscription for the commonwealth to the stock of the Lynchburg and Tennessee railroad company," which, on his motion, was ordered to be printed.

Mr. GOODSON presented a petition of citizens of the county of Washington, for the establishment of a separate election at the house of Isaac Debuski in the Widenert valley in said county, which was ordered to be referred to the committee of propositions and grievances.

Mr. CLARKE presented a petition of Robert P. Waring, asking the passage of an act to allow him to charge wharfage fees on the Rappahannock river, which was ordered to be referred to the committee of roads and internal navigation.

The following report was taken up as the order of the day, and read :

The committee appointed to enquire how far the existing legislation of congress, under the third clause of the second section of the fourth article of the constitution, fulfils the intent and object of that instrument, in affording an adequate remedy for the recapture of slaves absconding from this state into the nonslaveholding states of this confederacy ; and if found inadequate in its provisions, to suggest such relief as the urgency of the case requires, and also the mode in which the rights of the citizens of this state, and of the other slaveholding states of the Union, shall be brought to the attention of the congress of the United States, have bestowed on the subject the attention which its importance demands, and now report to the house the result of their enquiries.

The clause of the constitution referred to in the resolution of the house, is to the following effect :

"No person held to service or labour in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up, on claim of the party to whom such service or labour may be due."

A knowledge of the history of this constitutional provision is essential to a right understanding of the subject referred to the committee.

Long before the revolutionary war, the institution of slavery had diffused itself throughout the thirteen colonies, which by the result of that war subsequently became the United States of America. The prevalence of this institution through all the colonies had created, at an early period, a customary law, under which the owners of fugitive slaves were allowed to recapture them in whatever colony found, and convey them to that from which they had escaped. This usage, the offspring of mutual interest and of international comity, was still in force to a great extent, when the articles of confederation were formed by the states. And this may account for the omission, in those articles, of a clause like that under consideration, legalizing the reclamation of fugitive slaves, in whichever of the states they might be found.

But this customary law had no other sanction, in the middle and eastern states, than a public opinion, mainly growing out of a sense of interest, and when the discovery was made, that slave labour, in those states, was comparatively worthless, a growing distaste to the whole institution of slavery withdrew from this customary law its only sanction, and made its enforcement every year more difficult. As early as 1st of March 1780, Pennsylvania passed an act for the gradual abolition of slavery; and in the same year Massachusetts made provision for the prospective emancipation of her slaves. In a few years afterwards these examples were followed by all or nearly all of the New England states. So that under the confederation the want of some legal provision on this subject was felt as a grievous inconvenience by the slaveholding states; as we learn from the elder Judge Tucker, in many states no aid whatsoever was allowed to the owners, and sometimes, indeed, they met with open resistance.

Some idea of the vital importance which the slaveholding states at that period attached to the right of recapturing their escaping slaves, may be derived from the fact, that as early as the adoption of the celebrated ordinance of 1787, (before the present constitution was in being,) the proposition to exclude slavery or involuntary servitude from the Northwestern territory, was obstinately opposed and successfully resisted by the south, until the provision for the delivery up of fugitive slaves was incorporated into that ordinance. And the fact is suggested by the distinguished senator from South Carolina, Mr. Calhoun, in a recent speech in the senate of the United States, with a strong probability of its truth, although there is no direct and positive information on the subject, that this very clause, interdicting involuntary servitude in that territory, was in itself the result of compromise; and that it was yielded by Virginia and the south, upon condition that the gua-

rantee which accompanies it should be, as it was given, for the recovery of fugitive slaves.

It was with this experience before us of the insecurity of our slave population, resulting from the changed policy and public sentiment of the northern states, that the proposition for a more perfect union originated with some of the leading statesmen of Virginia. It is true the primary and avowed object of the call of the convention was to provide more effectually for a uniform system of commercial regulations amongst the states, yet time had already sufficiently shewn the utter inadequacy of the confederation to guard against those constantly recurring incidents which threatened to disturb the harmony of the states, and an almost universal sentiment had taken possession of the public mind, of the necessity of a government, whose energies would pervade the entire Union, and guard and protect every interest which was likely to be endangered, by those sectional diversities of opinion prevailing in the several states, and which were every day becoming more broadly and distinctly marked with the progress of time.

At this period the institution of slavery was, as before remarked, rapidly disappearing from the northern and eastern states. It was found adapted neither to their habits, their climate, nor their pursuits. Its numbers were within the control of a wise, prospective, legislative policy. It had never sought those bleak and barren regions as its natural home; but to the extent that it did exist there, the fact must be ascribed to a redundant supply from the foreign slave trade, in the pursuit of which traffic, the New England states almost whitened the ocean with their canvass. Such was not the limited and precarious state of that institution in the southern portion of this confederacy. Its valuable agricultural staples had given full vigour to its growth and extension here. It already embraced one full third of the population of the southern states, and in Virginia it exceeded thirty-nine per cent. of her population. It had interwoven itself into all habits and feelings of our people; it had become an essential part of their social condition; it formed their productive labour, and had acquired the stability of a fixed and permanent system of policy amongst us. In the language of an acute and enlightened foreigner, "slavery at the north was a question of commerce and manufactures—in the south it was a question of life and death."

It could scarcely be supposed, that, in framing a government like that of the constitution of the United States, which was designed to endure for ages, and which was expected to diffuse the blessings of fraternity and peace over numerous republics marked by such diversities of climate, pursuit, opinion, interests and domestic policy, an institution so peculiar and permanent, so wide spread and important in all its consequences as slavery, should not receive its due share of consideration in that body. We accordingly learn from the authentic records of that period, that it formed a leading and exciting topic in the discussions of the federal convention. Its existence and its influence upon the future destiny of such portions of the confederacy as were likely to retain it as a permanent portion of their policy, were discussed with the fullest and most mature deliberation. The opposing interests

of north and south were brought out in full array, and after weeks of consideration and debate by the wise and illustrious men who composed that assembly, after great and mutual concessions made on all sides for the public good, their labours on this subject resulted:

1st. In the distinct recognition of its validity in all the states where the people of those states choose to retain it.

2d. In a solemn guaranty in the constitution to enforce the rights of the owner of slaves in all the states of the Union into which they might make their escape.

And 3dly. In according to the slave population a representative weight in the federal councils. It thus became a fundamental element in the structure of the new government. Political power was claimed and accorded to our then existing and forever increasing slave population. Under the operation of this feature in the constitution, we have at this time twenty members of the house of representatives, and on a recent occasion enjoyed the advantage of twenty votes in the college for the election of a president and vice-president of the United States. Entering into the constitution of the legislative and executive departments of the government, it is an agent in every law and in every act of the government. In the language of an eminent judge of the federal court of the state of Pennsylvania: Slavery is the corner stone of the constitution—"the foundations of the government are laid and rest on the rights of property in slaves," and the whole structure must fall by disturbing the corner stone." (Opinion of Judge Baldwin in the case of *Johnson v. Tompkins*, 1 Bald. p. 597.)

It is, however, only to that guaranty, so solemnly provided in the constitution for the delivery of fugitive slaves, that the attention of this committee has been specially invited.

This provision was so obvious and indispensable—so essential to preserve the relations of harmony amongst the states, and to give confidence and security to the slaveholders of the south—that it seems, after the general basis of the constitution was fixed, to have excited no opposition in the convention, but to have been adopted with absolute unanimity, from a general acquiescence in its necessity.

When the people of the south were called upon, in their respective state conventions, to act upon the momentous question of adopting or rejecting the plan of government, submitted to them by the general convention, this provision of the constitution attracted its full share of attention, and was used with irresistible power by the advocates of the Union, to relieve the apprehensions of the hesitating, and to manifest the good faith with which the nonslaveholding states had entered into this permanent fraternal alliance. The history of that period abounds in proofs that the south, in giving its assent to the Union, did so in a full reliance upon the faithful execution of this provision as affording an ample and effectual security for their slave property.

In the Virginia convention, to satisfy the minds of the people that this property was abundantly protected, EDMUND RANDOLPH held this language: "Were it right to mention what passed in convention on the occasion, I might tell you that the southern states—even South Carolina herself—conceived this property to be secured by these words."

In the North Carolina convention, JUDGE IREDELL, referring to this clause of the constitution, says: "In some of the northern states they have emancipated all of their slaves. If any of our slaves go there, and remain there a certain time, they would by the present laws be entitled to their freedom, so that their masters could not get them again. This would be extremely prejudicial to the inhabitants of the southern states, and to prevent it, this clause is inserted in the constitution."

To the same purpose, but with more emphasis, CHARLES COTESWORTH PINCKNEY said to the people of South Carolina, in the convention of that state, "We have obtained a right to recover our slaves, in whatever part of America they may take refuge, which is a right we had not before."

That the importance of this provision has not been overrated by southern statesmen, the following extract from the opinion of the supreme court of the United States, delivered in January 1842, in the case of *Prigg v. The State of Pennsylvania*, (16 Peters, p. 539,) will conclusively shew:

In delivering the opinion of the court, Mr. Justice Story, on page 611, uses the following language:

"Historically, it is well known that the object of this clause was to secure to the citizens of the slaveholding states the complete right and title of ownership in their slaves as property, in every state in the Union, into which they might escape from the state where they were held in servitude. The full recognition of this right and title was indispensable to the security of this species of property in all the slaveholding states, and indeed was so vital to the preservation of their domestic interests and institutions, that it cannot be doubted, that it constituted a fundamental article, without the adoption of which the Union could not have been formed. Its true design was to guard against the doctrines and principles prevalent in the nonslaveholding states, by preventing them from intermeddling with or obstructing or abolishing the rights of the owners of slaves."

To the same effect is the opinion of the supreme court of the state of PENNSYLVANIA, as delivered by Chief Justice Tilghman, in the case of *Wright v. Deacon*, 5 S. & R. 63:

"Whatever may be our opinions on the subject of slavery, it is well known that our southern brethren would not have consented to have become parties to a constitution, under which the United States have enjoyed so much prosperity, unless their property in slaves had been secured. This constitution has been adopted by the free consent of the citizens of Pennsylvania, and it is the duty of every man, whatever may be his office or station, to give it a fair and candid construction."

William Rawle, another distinguished jurist of the state of Pennsylvania, in his admirable essay on the constitution of the United States, speaking of fugitives from justice and fugitives from service or labour, says:

"To the two latter descriptions of persons *no asylum* can by the constitution of the United States be afforded. The states are considered as a common family, whose harmony would be endangered if

they were to protect and detain such fugitives when demanded in one case by the executive authority of the state, or pursued in the other by the person claiming an interest in their service."

This solemn compact between the slaveholding and nonslaveholding states was adopted by the unanimous votes of the states then present in the convention. The dissent of a single state might have marred the whole scheme of compromises so elaborately prepared as a basis of the new constitution, and remitted the states of the confederacy to a condition little short of anarchy.

That the constitution of 1788, was in truth founded on a deliberately formed scheme of compromises and equivalents, is an historical fact denied by none in terms, but virtually and practically, by many who believe themselves to be statesmen, but who are nevertheless, politicians merely. But the vital importance of this historical fact justifies, if it does not demand, an exhibition of the evidence in part, at least, by which it is sustained. Amidst the affluence of material, selection is the only difficulty. None could be more conclusive than the following statement made by ALEXANDER HAMILTON to the New York convention, assembled at Poughkeepsie in June 1788, to pass on the new constitution submitted to the states by the general convention assembled at Philadelphia. It is extracted from Elliott's Debates, p. 212:

"In order that the committee may understand clearly the principles on which the general convention acted, I think it necessary to explain some preliminary circumstances.

"Sir, the natural situation of this country seems to divide its interests into different classes. There are navigating and non-navigating states—the *northern* are properly the navigating states: the *southern* appear to possess neither the means nor the spirit of navigation. This difference of situation naturally produces a dissimilarity of interests and views respecting foreign commerce. It was the interest of the *northern states* that there should be no restraints on their navigation, and that they should have full power, by a *majority* in congress, to make commercial regulations in favour of their own and in restraint of the navigation of foreigners. The *southern states* wished to impose a restraint on the northern, by requiring that *two thirds* in congress should be requisite to pass an act in regulation of commerce: they were apprehensive that the restraints of a navigation law would discourage foreigners, and by obliging them to employ the shipping of the northern states, would probably enhance their freight. This being the case, they insisted strenuously on having this provision engrafted in the constitution; and the northern states were as anxious in opposing it."

Again: "Much has been said of the impropriety of representing men who have no will of their own: whether this be reasoning or declamation I will not presume to say. It is the unfortunate situation of the southern states to have a great part of their population as well as property in blacks. The regulation complained of was one result of the spirit of accommodation which governed the convention; and without this indulgence no union could possibly have been formed. And, sir, considering some *peculiar advantages* which we derive, it is

entirely just that they should be gratified. The southern states possess certain staples, tobacco, rice, indigo, &c., [and now, above all, cotton,] which must now be capital objects in treaties of commerce with foreign nations; and the advantages which they necessarily procure in these treaties, will be felt throughout all the states."

"It became necessary, therefore, to compromise, or the convention would have dissolved without effecting any thing. Would it have been wise and prudent in that body, in this critical situation, to have deserted their country? No. Every man who hears me—every wise man in the United States would have condemned them. The convention were obliged to appoint a committee for accommodation. In this committee the arrangement was formed as it now stands, and their report was accepted. It was a delicate point, and it was necessary that all parties should be indulged."

So much for the testimony of a distinguished northern statesman, to the fact that the constitution was a deliberately concocted system of compromises—the work of "*a committee for accommodation*," specially appointed for the purpose, and in which committee the rights of the slaveholder were distinctly recognized and guaranteed. And stronger still is his evidence, as the representative of a great navigating and commercial state, as to the value and importance of the equivalents given by the south for all the concessions made in convention, by the north, connected with the subject of slavery.

Equally conclusive is the evidence of the eloquent and patriotic FISHER AMES, whose fate it was, like Hamilton, to be cut off in the full bloom of his intellectual powers. Urging the acceptance of the new constitution in the convention of Massachusetts, he exclaims with the honest fervour of strong conviction:

"Shall we put every thing that we hold precious to the hazard, by rejecting this constitution? We have *great advantages* by it in respect of *navigation*, and it is the general interest of the states that we should have them. But if we reject it, what security have we that we shall obtain them a second time, against the local interests and prejudices of the other states?"

The fears of the eloquent Ames were groundless, and the new constitution, with all its compromises and equivalents, was adopted by all the states. Under the protection of that constitution, and of the great name and power of the Union, the navigating and commercial states (now become great manufacturing communities, also, by the help of a free market in the south) have prospered in a manner, with a rapidity, and to an extent unparalleled in the history of the human race. The New England states especially, notwithstanding the admitted, nay, boasted sterility of their soil, and the ungenial character of their climate, have, in view of the extent of their population, become the most prosperous and wealthy communities in the world. Whilst we of the south, as was foreseen by the sagacity of the far-reaching men of that period, have witnessed our commerce and navigation transferred from our own harbours, to enrich the commercial emporiums of the north—the disbursements of the national government yearly poured out in partial and reckless pro-

fusion, to add to the advantages which they already possess in their overflowing capital and numerous and capacious harbours—and the profits of our agricultural toil and slave labour daily passing from ourselves to stimulate and reward the enterprise and industry of that section of the Union. Yet we have never for one moment repined at their prosperity, nor sought by any illegal or improper means to check their rapid and onward advancement. But is it not cause of just complaint on our part to find that the very power which they now enjoy—that power which results from those concessions made by us as an equivalent for full protection to our slave property—is now habitually perverted to the injury and destruction of that interest which they then so solemnly covenanted to guaranty.

It was not in human nature that our northern brethren of that generation, when the objects of this compromise were fresh before their eyes, should be forgetful of the abyss from which they had been rescued by the great national compact of 1788, and should begin to cavil at the price they had agreed to give for the inappreciable benefits of the Union. Least of all, was it to be expected that they would impede the execution of the clause, by which they had recognized the right of the slaveholder to seize his fugitive slave within their borders, and bound themselves to surrender him to the owner, when the violation of such solemn compact on their part, would inflict on themselves a perpetual and incurable evil. For it was to be expected that the enlightened and sagacious people of the north would see at a glance, that the violation of that compact would create, and continually recruit on their soil, a class of paupers like the Pariahs of Hindostan—of outcasts from society—of men who are neither slaves nor citizens—a wen on the body politic—an anomaly on their institutions, and a pestilential curse to them and their posterity.

It cannot be doubted that prudential considerations like these, combined with others of a higher and nobler class, protected the people of the south, for nearly thirty years, in the enjoyment of the constitutional rights guarantied to them and their posterity by the clause under consideration. For it is historically known that the act of congress, passed on the 12th of February 1793, so far as it related to the recapture and removal of fugitive slaves, was not called for by any complaint from the south. It grew incidentally out of a call which was made for remedial legislation on the kindred subject of the surrender of fugitives from justice.

Senator Butler of South Carolina has furnished us with an historical review of public sentiment at the period referred to, which is valuable not merely for its facts but for the high source from which they emanate :

“ For many years the clause immediately under consideration had a self-sufficing efficacy, having all the incidents and advantages conceded to it of an extradition treaty. The common practice of the times was an honest and imposing commentary on the intention and object of the provision. A slave escaping into a nonslaveholding state could be pursued, and in general could be as easily apprehended there as in the state from which he had made his escape. It was not un-

common for judges to remand to a slave state, to be tried, a person of colour, upon an issue involving his freedom; and state courts and judicial and ministerial officers of nonslaveholding states were in the constant habit of using, as a matter of recognized obligation, their power and agency in bringing about the delivery of a fugitive slave to his pursuing master. The right of the owner to apprehend, where the slave could be identified as a fugitive, was not disputed, much less impeded by state laws or the violence of irresponsible mobs. The paramount authority of the constitution and its active energy were acknowledged by common consent. It executed its provisions by the active co-operation of state authority, in the fulfilment of what they then recognized as a constitutional duty. The duty to deliver up, seemed to be regarded as equal to the right of the owner to demand his escaping servant. The term "*deliver up*" had a meaning so pregnant and obvious, that it carried with it all the obligations by common consent, growing out of its use; as it imparted a conceded right, so it was regarded as containing a perfect obligation. The dictate of good faith found in the nonslaveholding states no disposition to evade or deny its obligations. The framers of the constitution were then the living and honest expounders of its meaning and active operation. The jealousy of political interest was not then strong enough for hostile and unconstitutional legislation."

It thus appears, that for many years after the adoption of the constitution, the guaranty of the right to recapture fugitive slaves was held sacred by the people of the north. And it is now painful to recur to the period, when under the influence of sectional jealousy and political fanaticism, those plighted engagements of public faith were ruthlessly cast aside, and those dormant elements of mischief roused into action which now arrest the fears of every patriot heart, and even at that time caused our illustrious Jefferson to express the hope that he might not live to weep over their results. The period here alluded to is that when the territory of Missouri asked for admission as an equal and sovereign member of this confederacy. The evil and pernicious passions to which that controversy gave rise; the elements of sectional strife and of unholy discord which it developed, have cast, and still continue to cast their deepening shadows over the fate of this Union. The results of that stormy and exciting session of congress are familiar to us all. Missouri was admitted as a state, free from any condition that impaired her equality and sovereignty as a member of this confederacy. To that extent the constitution was saved from violence and the Union preserved from the perils that threatened to engulf it. Yet from that day to the present, the feeling engendered in that sectional war of ambition against the south, has never slumbered. It may be traced in the laws passed by their state legislatures—it may be seen in the judicial decisions of their courts, and it may be observed in all the results of their individual, social and political action. Then it was that the nonslaveholding states commenced a war of legislation against the owners of fugitive slaves, seeking to recapture them beyond the frontiers of the slaveholding states. A morbid, and in some cases it may be feared a feigned philanthropy carried out and kept in advance

of the hostile enactments of the state legislatures. Fugitive slaves were harboured and protected; vexatious suits and prosecutions were instituted against the owner or his agent, resulting sometimes in imprisonment for want of bail: irresponsible mobs, composed of fanatics, ruffians and fugitive slaves, who had already found an asylum abroad, were permitted by the local authorities to rescue recaptured slaves in the lawful custody of their masters, and to imprison, beat, wound and even put to death citizens of the United States, seeking to enforce by lawful proceedings, the rights guarantied to them by the constitution.

But these irregular outbreaks of brutal violence and ferocity were a part only of the machinery employed by the nonslaveholders of the north against their brethren of the south. Abolition societies were formed for the avowed purpose amongst others, of protecting fugitive slaves against recapture by their owners. Nor was the activity of these societies confined by geographical limits. The fact is notorious and undeniable that their emissaries have penetrated into the very hearts of the slaveholding states, and aided the escape of slaves whom they had seduced from the service of their owners.

It may well be believed, for it could not be otherwise, that the tenure of slave property is every day becoming more and more precarious by reason of these forays, and the impunity with which they are accomplished. Their frequency and success have in effect, imposed a heavy tax on the frontier counties of the commonwealth, which is just so much more oppressive than an ordinary tax, as a ruinous inequality can make it.

It is not to be expected that the people of the frontier counties will long submit to this state of things. Unless some legal remedy be found for this evil, an illegal one will inevitably be resorted to. The territory of the nonslaveholding states will be invaded in sudden and rapid incursions by those who have been robbed of their property by the nefarious acts of the abolitionists, with the view to its recapture by the strong hand of power. And thus we shall see reacted in the nineteenth century the forays and counter-forays of the semi-barbarous English and Scottish borderers; terminated there, by the union under one monarch, of two hostile nations; but originating and growing up, here, between brethren of the same race, and living under a government which we boast of as the best on earth, the last and greatest effort of political science. An edifying lesson it will, in truth, be to the nations of Europe, now seeking to improve their condition by the establishment of republican institutions similar to our own.

But the evil and disgrace of a petty border warfare may not be the last or worst consequence of the continued violation, by the nonslaveholding states, of the constitutional guaranties on the subject of slavery. This glorious Union itself, which for more than half a century has held out the promise of liberty, peace and happiness to the white man, at least for an indefinite series of ages, in a territory capable of sustaining in comfort, the whole population of Europe, may be rent asunder by the feuds which are becoming daily more embittered on this exciting subject. The members of this committee are not in any degree emulous of the character of alarmists. But they cannot forget

that in one of the fables which the wisdom of antiquity has bequeathed to us, the cry of "the wolf," "the wolf," was disregarded by the drowsy shepherd—once too often.

Nor does the note of alarm come first from them. It was sounded by ALEXANDER HAMILTON, a northern statesman, more than sixty years ago, when he told the people of New York, in convention, that the Union could not have been formed without the guaranties demanded by the south on the subject of slave property. It was sounded by FISHER AMES, a northern statesman, at the same period when he made a similar statement to the people of Massachusetts in convention assembled. It was sounded by the supreme court of the state of PENNSYLVANIA, when it announced through one of its most venerable oracles of the law: "That the south would not have consented to have become parties to the constitution, unless their property in slaves had been secured." It was sounded by the supreme court of the United States, when it announced to the north, through the lips of a northern judge: "That the full recognition of this right and title was indispensable to the security of this species of property in all the slaveholding states, and was so vital to the preservation of their domestic interests and institutions, that it constituted a fundamental article, without the adoption of which, the Union could not have been formed."

Look well at these solemn warnings, and then look at the actual state of things in the sixtieth year of the constitution! It is simply and undeniably this: That the south is wholly without the benefit of that solemn constitutional guaranty which was so sacredly pledged to it at the formation of this Union. Our condition is precisely in effect, that which it was under the articles of the old confederation. No citizen of the south can pass the frontier of a nonslaveholding state and there exercise his undoubted constitutional right of seizing his fugitive slave, with a view to take him before a judicial officer and there prove his right of ownership, without imminent danger of being prosecuted criminally as a kidnapper, or being sued in a civil action for false imprisonment—imprisoned himself for want of bail, and subjected in his defence to an expense exceeding the whole value of the property claimed, or finally of being mobbed or being put to death in a street fight by insane fanatics or brutal ruffians. In short, the condition of things is, that at this day very few of the owners of fugitive slaves have the hardihood to pass the frontier of a nonslaveholding state and exercise their undoubted, adjudicated constitutional right of seizing the fugitive. In such a conjuncture as this, the committee would be false to their duty—they would be false to their country, if they did not give utterance to their deliberate conviction, that the continuance of this state of things cannot be, and ought not to be much longer endured by the south—be the consequences what they may.

In such a diseased state of opinion as prevails in the nonslaveholding states, on the subject of southern slavery, it may well be imagined what the character of their local legislation must be. Yet it is deemed by the committee their duty to present before the country the actual state of that legislation, that the people of this commonwealth and of

the entire south may see how rapid and complete has been its transition from a fraternal interest in our welfare to a rank and embittered hostility to our institutions. The legislation to be found upon this subject, on the statute books of the nonslaveholding states, may be divided into two classes.

The first of which, would embrace the legislation of those states, which, professing a seeming respect for the obligations of the constitution, do, under the pretext of conforming to its requisitions, subject the slave owner to conditions utterly incompatible with the recovery of his slaves.

These laws, in the general, provide,

1st. That the fact, whether the person claimed be a slave or not, shall be tried by a jury as in other cases of jury trial.

2d. That he shall be defended at the public cost.

3d. If the finding of the jury shall be in favour of the slave, that he shall be set at liberty, and shall never thereafter be molested on the same claim.

4th. That the claimant of the slave shall not be entitled to any process for the recovery of him until he shall give bond with securities, resident and freeholders of the state, in a heavy penalty, and with conditions to pay all costs legally chargeable against him; to pay to the slave so much per week whilst the proceedings are pending; to pay not only costs, but the *expenses* of the slave, if the jury should find in his favour, and also to pay a heavy sum to the slave, and all damages which he may sustain in consequence of the proceeding.

5th. No judicial officer of the state shall issue any process, except under said acts, and of course shall not execute the act of congress, upon that subject, under pain of being held guilty of a misdemeanor.

It has already been well observed in regard to this class of laws, "that they aim an insidious blow at the institution of slavery, through the *forms* of honest legislation. That they are palpable frauds upon the south, calculated to excite at once her indignation and her contempt. It is an insult to her intelligence to suppose, that she can see in it any purpose to do her justice. On the contrary, it is manifestly, plainly, and beyond all question, a contrivance to defeat justice; to get around the plain provisions of the constitution; to defeat by indirection, the rights of southern men, and to give liberty to the southern slave under the specious and deceitful pretence of extending the right of trial by jury."

But in the maddening progress which abolitionism has made in the northern states, this class of laws has fallen far behind the spirit of the times, and has yielded to a new brood of statutes, marked by deeper venom and a more determined hostility. And in this class are embraced,

Second. The laws of those states which affect no concealment of their hatred to southern institutions, nor of their utter and open contempt and defiance of the obligations of the federal compact.

Of this class, which is now indeed the prevailing legislation of almost the whole nonslaveholding states, an act passed by the general assembly of the state of Vermont, on the 1st day of November 1843, may be cited as a fair illustration. It is in these words:

"An Act for the protection of Personal Liberty.

"It is hereby enacted by the general assembly of the state of Vermont, as follows :

"SEC. 1. No court of record in this state, nor any judge thereof, no justice of the peace nor other magistrate, acting under the authority of this state, shall hereafter take cognizance of, or grant any certificate, warrant or other process, in any case arising under section three of an act of congress, passed February twelfth, seventeen hundred and ninety-three, entitled 'an act respecting fugitives from justice, and persons escaping from the service of their masters,' to any person claiming any other person as a fugitive slave in this state.

"SEC. 2. No sheriff, deputy sheriff, high bailiff, constable, jailor, or other officer or *citizen of this state* shall, hereafter, seize, arrest, or detain, or aid in the seizure, arrest or detention, or imprisonment in any jail or other building belonging to this state, or to any county, town, city, or person therein, of any person for the reason that he is or may be claimed as a fugitive slave.

"SEC. 3. No sheriff, deputy sheriff, high bailiff, constable, or other officer or *citizen of this state*, shall transport, or remove, or aid or assist in the transportation or removal of any fugitive slave, or any person claimed as such, from any place in this state to any other place within or without the same.

"SEC. 4. If any such judge, justice of the peace, magistrate, officer or citizen, shall offend against the two preceding sections, such judge, justice of the peace, magistrate, officer or citizen, shall be subject to the penalties provided in section five of this act.

"SEC. 5. Any judge of any court of record in this state, any justice of the peace or other magistrate, any sheriff, deputy sheriff, high bailiff, constable, or jailor, or *any citizen of this state*, who shall offend against the provisions of this act, by acting directly or indirectly under the provisions of section three of the act of congress aforesaid, shall forfeit a sum not exceeding one thousand dollars, to the use of the state, to be recovered upon information or indictment, or be imprisoned in the state prison not exceeding five years."

Laws of similar character and in almost the same language are to be found on the statute books of Massachusetts and Rhode Island.

But the state of Pennsylvania has gone a bow shot beyond all the rest in this new legislative war against the constitutional rights of the slaveholding states. An act was passed by the legislature of that state on the 3d of March 1847, entitled "an act to prevent kidnapping, preserve the public peace, prohibit the exercise of certain powers heretofore exercised by judges, justices of the peace," &c.

The *first section* makes it highly penal to kidnap any free negro or mulatto.

The *second section* makes it only a little less penal, knowingly to sell, transfer or assign any free negro or mulatto, for the purpose of fraudulently removing, exporting or carrying such free negro or mulatto out of the state, with design of making him or her a slave or servant for life.

On these salutary additions to the *criminal code* of Pennsylvania, the committee will make but a single remark. It is, that the southern slaveholder, against whom all the remaining sections of the act are in terms directed, is passed upon, by the legislature of this our sister state, along with kidnappers, thieves and felons. *Ex pede Herculem.* Such is the spirit of nonslaveholding legislation!

The *third* section is in accordance with the legislation of Vermont, Massachusetts and Rhode Island, and forbids all of her judicial officers to execute the act of congress of the 12th of February 1793.

The *fourth* section is as follows:

"SECT. 4. That if any person or persons claiming any negro or mulatto as fugitive from servitude or labour, shall, *under any pretence of authority whatsoever*, violently and tumultuously seize upon and carry away to any place, or attempt to seize and carry away in a riotous, violent, tumultuous and unreasonable manner, and so as to disturb or endanger the public peace, any negro or mulatto within this commonwealth, either with or without the intention of taking such negro or mulatto before any district or circuit judge, the person or persons so offending against the peace of this commonwealth, shall be deemed guilty of a misdemeanor, and on conviction thereof, before any court of quarter sessions of this commonwealth, shall be sentenced by such court to pay a fine of not less than one hundred dollars, nor more than one thousand dollars, with costs of prosecution; and further, to be confined in the county gaol for any period, at the discretion of the court, not exceeding three months."

It is impossible to wink so hard as not to see through the transparent veil which covers this penal section. The pretended object of the section is to preserve the public peace; its real object is to make highly penal the exercise by the southern slaveholder, within the limits of Pennsylvania, of his undoubted and adjudicated constitutional rights. It points out to the fanatic and abolitionist an easy mode of defeating, by the use of a little wholesome violence, any attempt by a slave owner to reclaim his fugitive slave. The owner of the slave, under the authority of the constitution and the act of congress, attempts to seize him, or in fact has seized him, in order to take him before a judge of one of the federal courts. In the actual state of public opinion in Pennsylvania, such an attempt cannot be made without producing an assemblage of abolitionists, fugitive slaves and others actuated by hostile feelings. Under such circumstances, nothing is easier than to produce a tumultuous and riotous movement. A breach of the peace ensues. The slave is rescued and conveyed to a place of safety, while the owner is arrested on the charge of having attempted to seize his slave, or of having actually seized him, "in a violent, riotous and tumultuous manner." The prosecution may *possibly* result in the acquittal of the slave owner; but in the meantime his slave has escaped, and the true object of the fourth section is attained.

The *fifth* section gives to the judges of that state the authority to award legal process to take the slave from the possession and custody of his master, whilst it denies to the same judges all authority to interpose on behalf of the owner in the recovery of his property.

The *sixth* section forbids, under heavy penalties, the use of the public gaols of the state to preserve the property of the master from the violence of irresponsible mobs, whilst it opens these same gaols as a secure refuge to the slave from the demand of the master.

But this disgusting and revolting exhibition of faithless and unconstitutional legislation must now be brought to a close. It may be sufficient to remark, that the same embittered feeling against the rights of the slaveholder, with more or less of intensity, now marks, almost without exception, the legislation of every nonslaveholding state of this Union. So far, therefore, as our rights depend upon the aid and co-operation of state officers and state legislation, we are wholly without remedy or relief.

This committee was directed to enquire how far the existing legislation, under the third clause of the second section of the fourth article of the constitution, fulfils the intent and object of that instrument, in affording an adequate remedy for the recapture of slaves absconding from this state to the nonslaveholding states of this confederacy.

The only provisions so far made by congress to carry into effect this guaranty of the constitution, are to be found in the 3d and 4th sections of an act passed on the 12th of February 1793. These sections are in the following language:

"SECT. 3. That when a person held to labour in any of the United States, or in either of the territories on the northwest or south of the river Ohio, under the laws thereof, shall escape into any other of the said states or territory, the person to whom such labour or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labour, and to take him or her before any judge of the circuit or district courts of the United States, residing or being within the state, or before any magistrate of a county, city, or town corporate, wherein such seizure or arrest shall be made, and upon proof, to the satisfaction of such judge or magistrate, either by oral testimony or affidavit taken before and certified by a magistrate of any such state or territory, that the person so seized or arrested doth, under the laws of the state or territory from which he or she fled, owe service or labour to the person claiming him or her, it shall be the duty of such judge or magistrate to give a certificate thereof to such claimant, his agent or attorney, which shall be sufficient warrant for removing the said fugitive from labour, to the state or territory from which he or she fled.

"SECT. 4. That any person who shall knowingly and willingly obstruct or hinder such claimant, his agent or attorney, in so seizing or arresting such fugitive from labour, or shall rescue such fugitive from such claimant, his agent or attorney, when so arrested, pursuant to the authority herein given or declared; or shall harbour or conceal such person, after notice that he or she was a fugitive from labour, as aforesaid, shall, for either of the said offences, forfeit and pay the sum of five hundred dollars."

It has already been remarked that this law did not result from any complaint upon the part of the south; that at the period of its passage, the constitution itself found a self-sufficing efficacy in the

good faith, the integrity and the patriotism of the northern people ; and that its existence upon the statute book is to be ascribed solely to its incidental connexion with a kindred provision in the constitution, on which remedial legislation was at that time deemed necessary. Passed under such circumstances, it could scarcely be presumed to possess the requisite energy to reach the intensity and extent of that evil which now threatens such disastrous consequences to the Union. Besides, the founders of our government, many of whom were members of the second congress, knowing how essential good faith was to the stability of their mighty structure, and believing that every consideration of self-interest, of sound policy and of constitutional obligation, would urge the northern states to a faithful execution of this clause in the compact, committed the most of its high functions to state officers and to state agents. It is superfluous to say, after the details which have been presented in this report, how groundless has proved the confidence that was reposed in the patriotism and good faith of the nonslaveholding states, and how worthless and inadequate has the remedy provided by the law of congress proved. In the mild but expressive language of the chief justice of the United States, "the act of congress of 1793 scarcely deserves the name of a remedy."

It is true that act does enable the owner of a slave, under certain circumstances, to apply to a district or circuit judge of the United States ; but when it is recollected that in many of the states there is but one district judge, and that there are but nine states which have judges of the supreme court residing in them ; and when we farther examine the other provisions of the law, we shall see, since the withdrawal of state support, in the language of chief justice Taney, "*how ineffectual and delusive is the remedy provided by congress.*"

This law does not authorize the judge to issue a warrant to arrest the fugitive ; it does not authorize a demand by the slave owner upon the services of the marshal or any other ministerial officer of the federal government. Before the law can operate at all, the master, always, of necessity, a stranger, must go into a free state, seize his slave without form or process of law, and unaccompanied by a single civil officer, must carry that slave, in the face of a fanatical and infuriated population, perhaps from the centre or extremities of the state, a distance of two or three hundred miles, to the place where the judge may happen to reside, before he can have any legal or judicial action in his case ; and suppose that he had passed through the almost insuperable barriers incident to such an undertaking, and had succeeded in bringing his slave before the judge, and had obtained the certificate which the law prescribes, there is no provision in that law by which the judgment can be enforced, or the power of the national government be invoked, through its marshals and officers, to sustain the rights of property thus adjudicated in his favour.

Fortunately we are not without the highest judicial exposition of the extent and character of our rights, and of the solemn duties and obligations which devolve upon congress at the present moment.

The supreme court of the United States, in the case of *Prigg v. the State of Pennsylvania*, thus defines the rights of the slave owner under that article of the constitution.

"The clause manifestly contemplates the existence of a positive *unqualified right* on the part of the owner of the slave, which no state law or regulation can in any way qualify, regulate, control or restrain. The slave is not to be discharged from service or labour in consequence of any state law or regulation. The question can never be, how *much* the slave is discharged from, but, whether he is discharged from *any*, by the natural or necessary operation of state laws or state regulations. The question is not one of quantity or degree, but of withholding or controlling the incidents of a positive and absolute right.

"If this be so, then all the incidents to the right attach also; the owner must therefore have the right to seize and repossess the slave, which the local laws of his own state confer upon him as property.

"Upon this ground we have not the slightest hesitation in holding that, under and in virtue of the constitution, the owner of a slave is clothed with entire authority, in every state of the Union, to seize and recapture his slave, whenever he can do it, without any breach of the peace, or any illegal violence. In this sense and to this extent this clause of the constitution may properly be said to execute itself; and to require no aid from legislation, state or national.

"But the clause of the constitution does not stop here; nor indeed, consistently with its professed objects, could it do so. Many cases must arise in which if the remedy of the owner were confined to the mere right of seizure and recaption, he would be utterly without any adequate redress. He may not be able to lay his hands upon the slave. He may not be able to enforce his rights against persons who either secrete or conceal, or withhold the slave. He may be restricted by local legislation as to the modes of proof of his ownership, as to the courts in which he shall sue, and as to the actions which he may bring, or the process he may use to compel the delivery of the slave. Nay, the local legislation may be utterly inadequate to furnish the appropriate redress, by authorizing no process *in rem*, or no specific mode of repossessing the slave, leaving the owner at best, not that right which the constitution designed to secure,—a specific delivery and repossession of the slave, but a mere remedy in damages; and that perhaps against persons utterly insolvent or worthless. The state legislation may be entirely silent on the whole subject, and its ordinary remedial process framed with different views and objects; and this may be innocently as well as designedly done, since every state is perfectly competent and has the exclusive right to prescribe the remedies in its own judicial tribunals, to limit the time as well as the mode of redress, and to deny jurisdiction over cases, which its own policy and its own institutions either prohibit or discountenance.

"If, therefore the clause of the constitution had stopped at the mere recognition of the right without providing or contemplating any means by which it might be established and enforced, in cases where it did not execute itself, it is plain that it would have been, in a great variety of cases, a delusive and empty annunciation.

"And this leads us to the consideration of the other part of the clause, which implies at once a *guaranty and duty*. It says: 'But

he, (the slave,) shall be delivered up on claim of the party to whom such labour or service is due.' By whom to be delivered up? In what mode to be delivered up? How, if a refusal takes place, is the right of delivery to be enforced? Upon what proofs? When and under what circumstances shall the possession of the owner, after it is obtained, be conclusive of his right, so as to preclude any further enquiry and examination into it by local tribunals or otherwise, while the slave is in possession of the owner, or in transitu to the state from which he fled?

"These and many other questions will readily occur upon the slightest attention to the clause, and it is obvious that they can receive but one satisfactory answer. *They require the AID OF LEGISLATION to protect the right to enforce the delivery and to secure the subsequent possession of the slave.*"

Such is the clear and explicit annunciation by that court of the rights of the slave owner. No less clear and explicit is its opinion as to the powers and duties of congress.

"If indeed the constitution guaranties the right, and if it requires the delivery upon the claim of the owner (as cannot well be doubted), the natural inference certainly is, that the national government is clothed with the appropriate authority and functions to enforce it. The fundamental principle applicable to all cases of this sort, would seem to be, that where the end is required, the means are given; and where the duty is enjoined, the ability to perform it is contemplated to exist on the part of the functionaries to whom it is entrusted. The clause is found in the national constitution and not in that of any state. It does not point out any state functionaries, or any state action to carry its provisions into effect. On the contrary, the natural and necessary conclusion is, *that the national government is bound, through its own proper departments, legislative, judicial and executive, to carry into effect all the rights and duties imposed by the constitution.*"

Having shewn the defects existing in the present legislation of congress, and the duty which pertains to that body to provide an effectual remedy for the security of the rights of the slave owners of the south, this committee has been farther rejoined "to suggest such relief as the urgency of the case requires, and also the mode in which the rights of the citizens of this state and of the other slaveholding states of the Union shall be brought to the attention of the congress of the United States."

It is the opinion of this committee, that it will be difficult for human wisdom to devise an act or a system of legislation by congress, by which the rights guarantied to the owners of fugitive slaves can, at the present time, and under the feelings now prevalent at the north, secure our rights to the full extent that they were designed to be secured at the adoption of the federal constitution. Two generations of men have been born, and the second has well nigh passed away, since the rights in question were bought and paid for. Our northern brethren of this generation, for the most part, have forgotten, or never knew, that their ancestors received, and that they are now enjoying, a full equivalent for conceding to us the rights in question. Not one in a thousand has ever

read, or will ever read the evidence contained in this paper, of the contract made by their fathers. Or, if they be never so well versed in the history of the compromises of 1788, it is to be feared they will still seek to embarrass the recapture of the slaves taking refuge within their borders, because of their misguided and perverted sentiments of philanthropy and public policy.

Against such a current of popular feeling and prejudice as now prevails on this subject in the nonslaveholding states, it will therefore be difficult to legislate, so as to accomplish the full and perfect enforcement of our rights, at all times and under all circumstances. Still much of the evil that now threatens to disturb the relations between the two great divisions of this confederacy, and to endanger the future peace and tranquillity of this nation, may be repressed by wise, energetic and judicious legislation upon the part of congress. We at least shall have discharged our duty to our country by pointing out in an honest spirit to that tribunal having cognizance of the subject, those remedies which may control and restrain the evil within the limits of a patient endurance. Upon congress, if it shall refuse to adopt the suggestion herein set forth, or wiser or better remedies than those suggested, be the painful responsibility of the consequences that must inevitably follow.

This committee would therefore recommend, that an earnest effort be made through the senators and representatives from this state in the congress of the United States, to procure such amendments to the law of the 12th of February 1793, as shall confer :

1st. Upon every commissioner, clerk and marshal of the federal courts, and every postmaster and collector of the customs of the United States, the authority now granted to the judges of the circuit and district courts of the United States, to give to the claimant of a fugitive slave the certificate authorized by said act, and to make the duties herein prescribed mandatory.

2d. To authorize, upon proper affidavit, the claimant, when deemed necessary by him, to apply to the judges of the circuit and district courts of the United States, and to every commissioner and clerk of the federal courts, and to every postmaster and collector of the customs of the United States, for a warrant directed to the marshal of the United States, for the seizure and arrest of his fugitive slave, and after certificate given, to require said marshal to aid in the removal of said slave beyond the limits of the state into which he has escaped.

3d. To authorize and require the marshal to employ as many assistants as he may find necessary to carry the judgment and process of the court into effect—the services of such assistants to be paid from the public treasury of the United States.

4th. To authorize all the officers clothed with judicial powers under such law, when distant from the residence of the regular marshals of the United States, to appoint one who shall, for all the purposes of carrying into effect the process of the court in such case, be invested with the power and authority conferred on the marshals of the United States.

5th. To increase the penalty now prescribed by law for obstructing and hindering a claimant in seizing and arresting his slave, and to en-

large the provision so as to embrace all persons assisting him; to increase the penalty for harbouring and concealing fugitive slaves, with a provision giving one half of the penalty to the informer.

6th. To declare all assemblies for the purpose of obstructing the execution of the process authorized by this act, unlawful assemblies, the parties concerned to be guilty of misdemeanors—all breaches of the peace resulting from such assemblies, to be also misdemeanors—and all mayhems and deaths resulting from such unlawful gatherings to be felonies—and that all such offences be cognizable and punishable by the courts of the United States.

The committee accordingly conclude this report by recommending the adoption of the following resolutions:

1. *Resolved by the general assembly of Virginia*, That the senators and representatives of this state in the congress of the United States, be requested to use their earnest and persevering efforts, to have the act passed on the 12th of February 1793, so amended, as more effectually to secure to the slave owners in the south, the rights guaranteed to them by the 3d clause, 2d section and 4th article of the constitution of the United States.

2. *Resolved*, That the governor of this commonwealth be, and he is hereby requested to forward to each of our senators and representatives in the congress of the United States, and also to the governors of the several states of the Union, a copy of this report and resolutions.

The said resolutions and preamble were, on questions severally put thereupon, agreed to by the house.

Ordered, That the clerk communicate the same to the senate, and request their concurrence.

On motion of Mr. MULLINS,

Resolved, That the committee on roads and internal navigation be instructed to enquire into the expediency of so amending the third section of the act to incorporate the Smith river navigation company, passed March 24th, 1848, as to authorize the Board of public works to subscribe to the stock of the said company on the part of the commonwealth, in the proportion of three fifths to the private subscription, so soon as three fourths of two fifths of the said capital stock shall have been subscribed by individuals other than the commonwealth, solvent and able to pay, and the same shall be duly certified by the commissioners appointed to receive subscriptions, to the Board of public works.

On motion of Mr. SCOTT, the preamble and resolution submitted by him on the third instant, were taken up and agreed to as follows:

The general assembly of Virginia, being sensible that virtue is the surest foundation of social and political prosperity, and recognizing it as the duty of all persons entrusted with the administration of public affairs, to promote, by all proper means, religion and morality, as the indispensable supports of those dispositions and habits which lead to its cultivation and growth; and deeming it to be the duty of every community publicly to acknowledge the providence of Almighty God, the beneficent author of all good, and humbly to implore his protection and favour:

Be it therefore resolved by the general assembly, That the governor be requested to recommend annually to the people of this commonwealth, a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many and signal favours of Almighty God bestowed upon us as a people; and especially for the tranquillity, peace and plenty we have enjoyed; for the success with which we have been enabled to establish constitutions of government for our safety and happiness; for the civil and religious liberty with which we are blessed, and the means we have of acquiring and diffusing useful knowledge; and in general for all the great and various favours which he has been pleased to confer upon us.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. RECTOR,

Resolved, That the committee of roads and internal navigation enquire into the expediency of incorporating a turnpike company to construct a road from the town of Warrenton in the county of Fauquier, to some point at or near the Fauquier White Sulphur springs in said county.

Mr. PERROW submitted an amendment intended to be proposed by him to the report of the committee relative to the projected railroad between the Pacific and Atlantic oceans, which, on his motion, was ordered to be printed. [Doc. No. 61.]

Mr. RECTOR presented a petition of citizens of the counties of Loudoun and Fauquier, upon the subject of the formation of a new county out of parts of said counties, which was ordered to be referred to the committee of propositions and grievances.

No. 108. An engrossed bill, authorizing a separate election at the house of John Rupe, in the county of Pulaski, was read a third time and passed; and the title having been amended on motion of Mr. WATSON, was, as amended, agreed to as follows: "An act concerning precinct elections in the counties of Pulaski, Jefferson and Rappahannock."

No. 109. An engrossed bill, repealing the first, second and third sections of an act, entitled "an act concerning the correction of errors committed in the progress of chancery causes, and regulating appeals from decrees pronounced therein," was read a third time and passed.

Ordered, That the clerk communicate the said bills to the senate, and request their concurrence.

No. 111. An engrossed bill for the relief of Harry Parker was read a third time, and the question being put upon its passage, was determined in the affirmative. Ayes 67, Noes 39.

On motion of Mr. JONES, the vote thereon was recorded as follows:

AYES—Messrs. Finney, Nock, Layne of Alleghany, M'Cue, Sheffey, Boak, Byrne of Braxton, Lewis and Gilmer, Moore, Wills, Irvine of Campbell, Lacy, Cardwell, Irving of Cumberland, Segar, Scott, Howard of Floyd, Claiborne, Edwards, Wood, Sydnor, Baily, Clopton, Carroll, Price, Stovall, Major, Allen, Hiatt, Darracott, Welton, Bassel, Lancaster, Laidley, Lane of Lee, Ferguson, White, Beard, Arnett, Shepard, Whittle, Tanzey, Beirne of Monroe, Barnett, Gustin, Perrow, Cowper, Pitts, Turner, Syme, Townes, Grasty, Cackley,

Goff, Mayo, Cook, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Griffin, Conway, Burdett, George, Goodson, Harvey and Collins—67.

NOES—Messrs. Hopkins, (speaker,) Watson, Boisseau, Cheatham, Byrd, Mitchell, Thomson of Botetourt, De Camps, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moncure of Caroline, Jones, Vaughan, Clarke, Guerrant, Maclin of Greenville, Mullins, Boykin, Harris, Newman, Coleman, Kilby, Robinson, Butt, Basye, Booth, Pannill, Buswell, Hiner, Wootton, Rives, Harrison of Prince William, Paxton, Harper, Nicholson, Boyers, Massey and Boyd—39.

Ordered, That the clerk communicate the said bill to the senate, and request their concurrence.

No. 114. A bill to amend the act, entitled "an act concerning the city of Norfolk," passed February 13th, 1845, with the amendment thereto proposed by Mr. ROBINSON, was taken up on his motion; and a motion was made by Mr. SCOTT to commit the said bill and amendment to the committee for courts of justice; and the motion being under consideration,

On motion of Mr. ROBINSON, the house adjourned until to-morrow 12 o'clock.

WEDNESDAY, FEBRUARY 7, 1849.

Prayer by the Rev. ALMON GAGE, of the Universalist church.

Mr. JONES, from the committee of propositions and grievances, presented reports upon the resolution for incorporating the Norfolk exporting and importing company; and upon petitions of the citizens of the town of Wellsburg, for an act incorporating the society of the Sons of Temperance; and of citizens of the city of Wheeling, for an act incorporating the Sons of Temperance in that city; and the following bills:

No. 330. A bill to authorize William Blackwell of the county of Fauquier, his heirs, executors, administrators and assigns, to extend the improvement of the Rappahannock river.

No. 331. A bill to change the place of holding a separate election in the county of Clarke.

No. 332. A bill to change the place of holding a separate election in the county of Smyth.

No. 333. A bill authorizing two separate elections in the county of Logan; and

No. 334. A bill to change the place of holding a separate election in the county of Boone.

On motion of Mr. DORMAN, the committee on the militia laws was discharged from the consideration of the resolutions for exempting a militia company of the 107th regiment, in the county of Randolph, commanded by Captain Elza, from attending regimental musters; for exempting the volunteers who served in the Mexican war, from ordinary military duty; for increasing the compensation to the clerk of the court of enquiry and other officers of the 179th regiment; for au-

thorizing the fines assessed by volunteer companies to be collected by constables; for furnishing militia officers with the militia laws and Scott's tactics; for repealing an act changing the time of training the officers and of the regimental and battalion musters; for providing for the election of brigadier generals by the commissioned officers of the brigade; and for the restoration of brigade inspectors; and the said resolutions were ordered to be laid upon the table.

On motion of Mr. DORMAN,

Ordered, That the said committee have leave to sit during the session of the house.

Mr. SCOTT, from the committee for courts of justice, presented the following bills:

No. 335. A bill concerning the fire companies in the city of Wheeling.

No. 336. A bill concerning the sergeant of the town of Lynchburg; and

No. 337. A bill to amend the act, entitled "an act reducing into one act, the several acts providing for the poor, and declaring who shall be deemed vagrants."

Mr. CONWAY, from the committee on banks, presented the following bills:

No. 338. A bill to incorporate the savings bank of Wheeling; and

No. 339. A bill to establish the Central Bank of Virginia in the town of Staunton.

On motion of Mr. BOYD,

Resolved, That the committee on trade and mechanic arts enquire into the expediency of incorporating a company for the manufacture of iron in the county of Giles, to be styled the Dismal and Walker's creek iron manufacturing company.

The SPEAKER laid before the house a communication from the governor, transmitting a treatise in manuscript and a pamphlet of Peter A. Browne, L. L. D. and Montroville W. Dickerson, M. D., relative to scientific discoveries made by them through the instrumentality of the microscope, which, upon motion of Mr. STOVALL, was laid upon the table and ordered to be printed. [Doc. No. 64.]

Mr. PITTS presented a petition of citizens of the City of Wheeling, asking the passage of an act to protect the banks of this commonwealth against brokers, which was ordered to be referred to the committee on banks.

Mr. GUSTIN presented a petition of George Miller, of the county of Morgan, praying to be released from the payment of a fine imposed upon him for an alleged misdemeanor; which was ordered to be referred to the committee on claims.

A report of the committee on that portion of the governor's message relative to the Richmond and Danville railroad company, was taken up on motion of Mr. TOWNES, read and agreed to as follows:

The committee to whom has been referred that portion of the governor's message relating to the Richmond and Danville railroad company, beg leave respectfully to report: That they have duly considered the subject presented to their investigation, which is embraced in the

following extract from said message: "I also recommend that no company shall hereafter organize whose act of incorporation provides for a subscription by the state, until such subscription shall have been obtained. Such may fairly be inferred to have been the intention of the legislature in the act incorporating the Richmond and Danville railroad company. But that company, having secured its charter, proceeded to the appointment of its officers, and when it received the state subscription of three fifths, refused to recognize the state officers who had been appointed to represent and protect it; and although a minority of the stock actually subscribed, assumed upon itself the eastern terminus and location of their road, and put about two thirds of it under contract. Thus taking all the real and fundamental measures in such improvements, not only without the concurrence of the state, but actually refusing to permit her to advise about them. Certainly the law ought to be so plainly expressed, as to preclude hereafter the possibility of a similar occurrence."

The committee are of opinion that, in the proceedings referred to, the said company has not violated either its charter or the laws by which such companies are regulated, and has acted in accordance with the rights and privileges secured to it by both.

The controversy between the Board of public works and the Richmond and Danville railroad company, and other controversies of the same nature, induce your committee to recommend that the existing laws on such subjects be so modified as to enable the state of Virginia to be represented for such stock as she may subscribe for, in corporate companies, at the first organization of such companies; and that the said subjects be respectfully referred to the committee on revision.

The following resolution was taken up on motion of Mr. PERROW, and read:

Whereas the construction of a railroad across the continent of North America would make the United States the great highway between Europe and the populous and wealthy empires of Asia; would greatly facilitate our own intercourse with those regions; would tend to strengthen the bonds of our Union; would connect and bind Oregon, California and the Pacific coast to us; would give a fresh impulse to our great agricultural, manufacturing and commercial interests, and would increase our means of national defence and of protection to our valuable possessions in California and Oregon, and to our important commerce in the Pacific ocean:

1. *Be it therefore resolved by the general assembly of Virginia,* That the attention of our senators and representatives in congress be respectfully invited to this momentous subject, and that they be requested to adopt such means as may be consistent with the constitution of the United States, to secure the construction of a great national railroad from some point on or east of the Mississippi river to the Pacific ocean.

2. *Resolved,* That the address of Mr. Asa Whitney of New York, to which many members of this general assembly have listened with great pleasure; his public spirited efforts to accomplish this stupendous enterprise, and to direct public attention to its vast importance, entitle him to the approbation and thanks of this general assembly.

3. *Resolved*, That the governor of this commonwealth be and he is hereby requested to transmit a copy of these resolutions to the executive of each state in the Union, and a like copy to the senators and representatives from this state in the congress of the United States.

A motion was made by Mr. PERROW to amend the same by striking out all after the word "Whereas," and inserting in lieu thereof the following :

It appears from the address of Mr. Asa Whitney before the members of this legislature, that it is practicable, in the mode pointed out by him, to carry out the great project of a railway communication across the western portion of this continent, uniting the people of the east and west, and thereby removing in a great degree the obstacles which seem to be interposed by nature to a union under a common government: And whereas such a railway would afford to the commerce between Europe and India such facilities as would secure to itself the transit of passengers and merchandize between those now widely separated portions of the world, and would consequently become of an importance which it is difficult to estimate, to our own country and to the world at large: Therefore,

1. *Resolved by the general assembly of the state of Virginia*, That while they cannot indicate with certainty the proper route for such a railway, they fully concur in opinion as to its importance, and in a desire to see it accomplished by the energy and perseverance of its distinguished advocate.

2. *Resolved*, That the plan designed and so eloquently advocated by Mr. Asa Whitney, for the construction of this railway, providing not only a connection between the Atlantic and Pacific oceans, but also supplying an active and industrious population along the line of the road—an essential requisite of any plan—appears to us to have been maturely considered by him, and that this legislature cordially unites in recommending the plan to the favourable consideration and action of congress.

3. *Resolved*, That the sale of the public lands for an object so eminently national, yet for an individual enterprise, would not only be a wise and prudent disposition of the public domain, but is loudly demanded by every section of our country, in view of the great results which are to flow from the accomplishment of this great enterprise.

4. *Resolved*, That the senators and representatives of this state in congress be requested to give to this measure a cordial co-operation and support.

5. *Resolved*, That the governor be requested to transmit a copy of these resolutions to the executive of each state in the Union, and also to the senators and representatives of this state in congress.

A motion was made by Mr. RIVES, that the farther consideration of the said resolution and proposed amendment be indefinitely postponed, and it was determined in the affirmative. Ayes 54, noes 52.

On motion of Mr. RIVES the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Nock, Layne of Alleghany, Boisseau, Powell, Cheatham, Byrd, Thompson of Botetourt, De Camps, Maclin of Bruns-

wick, Harrison of Brunswick, Kyle, Moore, Moncure of Caroline, Cardwell, Jones, Irving of Cumberland, Vaughan, Clarke, Howard of Floyd, Edwards, Wood, Sydnor, Baily, Clopton, Guerrant, Carroll, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Mullins, Boykin, Houser, Harris, Newman, Shepard, Tanzey, Beirne of Monroe, Yerby, Syme, Townes, Wootton, Rives, Harrison of Prince William, Cook, Harper, Griffin, George, Boyers, Massey, Goodson and Collins—54.

NOES—Messrs. Finney, Watson, M'Cue, Sheffey, Mitchell, Burwell, Boak, Wills, Irvine of Campbell, Barbour, Segar, Thomas, Scott, Stillman, Claiborne, Price, Welton, Lancaster, Thomson of Jefferson, Laidley, Wallace, Lane of Lee, Ferguson, White, Beard, Clendenin, Coleman, Whittle, Barnett, Gustin, Kilby, Perrow, Robinson, Butt, Basye, Pannill, Turner, Grasty, Cackley, Fairfax, Mayo, Dorman, Paxton, Aston, Fugate, Pitman, Thompson of Smyth, Moncure of Stafford, Nicholson, Burdett, Harvey and Boyd—52.

On motion of Mr. SCOTT,

Ordered, That leave be given to bring in a bill to authorize the supreme court of appeals to issue writs of mandamus, and that Messrs. Scott, Moncure of Stafford, Price, Lacy, Jones, Barbour and Faulkner, prepare and bring in the same, and that said committee have leave to sit during the session of the house.

Mr. SCOTT subsequently, from the same committee, presented the following bill:

No. 349. A bill to authorize the supreme court of appeals to issue writs of mandamus.

On motion of Mr. SCOTT, the said bill was taken up, and the rule of the house having been suspended, was read twice, and ordered to be engrossed and read a third time; the bill was then forthwith engrossed and read, and was passed.

Ordered, That Mr. SCOTT carry the same to the senate and request their concurrence.

No. 265. A bill to add the county of Powhatan to the second judicial circuit, was taken up on motion of Mr. BOISSEAU, read the first and (the rule having been suspended therefor) the second time, and ordered to be engrossed and read a third time.

On motion of Mr. BORN,

Whereas the house of delegates of Virginia did, on the 1st of January 1817, adopt the following preamble and resolution, viz:

"The general assembly, being desirous to express their approbation of the conduct of those officers of the army of the United States, natives and citizens of this state, who have signalized themselves during the late war:

Resolved, That the governor of this commonwealth be requested to present, at the public expense, to Captain Harold Smyth, who, being a native of this state, entered the army in 1812, while yet in his minority, was distinguished by gallant conduct at the battle of Plattsburg, and on the advance of the enemy to that place, for which he received a brevet commission from the president of the United States, and who has returned to the bosom of his native state, a sword, with suitable devices thereon, as an evidence that his early and distinguished services in the cause of his country are duly appreciated by the present general assembly."

And whereas a committee of the senate of Virginia did, on the 13th day of February 1817, recommend the adoption of said preamble and resolution, with others of a similar character, in behalf of other distinguished officers, and the same were permitted to lie on the table of that body, without further action thereon during that session, and swords have since been voted by the legislature of Virginia, and presented to many, if not all, of those other officers, at the instance of their friends; and the said Smyth, whose gallantry entitled him to no less a testimonial of the due appreciation of his services by his native state, has been neglected to this time: Therefore,

Resolved, That a special committee be appointed to enquire into the propriety of authorizing the governor of this commonwealth to cause to be prepared and presented to Captain Harold Smyth, of Wythe county, Virginia, a sword, as contemplated by the resolution above recited.

And a committee was appointed of Messrs. Boyd, Thompson of Smyth, George, Goodson, Barnett and Carroll.

No. 114. A bill to amend the act, entitled "an act concerning the City of Norfolk," passed February 13th, 1845, with the amendment thereto proposed by Mr. ROBINSON, was taken up, and the motion of Mr. SCOTT, which was pending when the house adjourned on yesterday, to commit the bill and amendment to the committee for courts of justice, was agreed to by the house.

No. 4. An engrossed bill, incorporating the Virginia cannel coal company, was read a third time and passed.

No. 61. An engrossed bill, making an appropriation for the erection of new barracks at the Virginia military institute, was read a third time and passed. Ayes 69, noes 39.

On motion of Mr. EDWARDS, the vote thereupon was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Watson, Smith, Layne of Alleghany, M'Cue, Sheffey, Mitchell, Burwell, Boak, Thompson of Botetourt, De Camps, Wills, Irvine of Campbell, Moncure of Caroline, Jones, Irving of Cumberland, Vaughan, Segar, Clarke, Thomas, Scott, Rector, Stillman, Wood, Sydnor, Clopton, Guerrant, Price, Welton, Lancaster, Boykin, Thomson of Jefferson, Laidley, Wallace, Ferguson, White, Harrison of Loudoun, Beard, Harris, Clendenin, Beirne of Monroe, Barnett, Gustin, Kilby, Perrow, Yerby, Booth, Pitts, Pannill, Hiner, Syme, Grasty, Fairfax, Mayo, Cook, Derman, Paxton, Pitman, Sibert, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Burdett, Boyers, Massey, Goodson and Boyd—69.

NOES—Messrs. Nock, Boisseau, Powell, Cheatham, Byrd, Maclin of Brunswick, Harrison of Brunswick, Kyle, Cardwell, Barbour, Howard of Floyd, Claiborne, Edwards, Baily, Carroll, Maclin of Greenville, Stovall, Major, Hiatt, Mullins, Houser, Lane of Lee, Newman, Shepard, Coleman, Whittle, Tanzey, Turner, Townes, Cackley, Wootton, Rives, Harrison of Prince William, Harper, Aston, Fugate, Nicholson, George and Harvey—39.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

A message was received from the senate by Mr. KINNEY, who informed the house that the senate had passed the bill entitled "an act to authorize the supreme court of appeals to issue writs of mandamus."

No. 110. A bill concerning bail in civil actions, with the amendment thereto proposed by the committee for courts of justice, was taken up, and on motion of Mr. PIRTS, the bill was ordered to be laid upon the table, and the said amendment was ordered to be printed.

No. 113. A bill charging upon the treasury the annual appropriation to the deaf and dumb and blind asylum was read a second time; thereupon a motion was made by Mr. STOVALL, that the further consideration thereof be indefinitely postponed, and it was determined in the negative; the said bill was then ordered to be engrossed and read a third time.

The following bills were read a second time and ordered to be engrossed and read a third time; viz:

No. 115. A bill to authorize a separate election at Stoney creek depot in the county of Sussex.

No. 116. A bill authorizing a separate election at the tavern house of Benjamin W. Shelly in the county of Dinwiddie.

No. 117. A bill refunding to John Godfrey a certain sum of money; and

No. 118. A bill releasing to James Cornwell the payment of a certain fine.

No. 119. A bill releasing to the common council of Alexandria the state's interest in certain money advanced for the use of the general government, was read a second time, and a motion was made by Mr. YERBY to lay the same upon the table; and the same being under consideration,

On motion of Mr. BARBOUR, the house adjourned until to-morrow 12 o'clock.

THURSDAY, FEBRUARY 8, 1849.

Prayer by the Rev. ALMON GAGE, of the Universalist church.

The house according to the order of the day proceeded by joint vote with the senate to the election of a councillor of state, to supply the vacancy which will occur by the expiration of the term of service of John F. Wily, Esq.; thereupon Mr. BOISSEAU nominated *John F. Wily, Esq.* and the senate having been informed thereof by Mr. BOISSEAU, and no person having been added to the nomination in that house, the vote was recorded as follows:

For John F. Wily—Messrs. Hopkins, (speaker,) Finney, Nock, Watson, Smith, Layne of Alleghany, Boisseau, Powell, Cheatham, M'Cue, Byrd, Mitchell, Burwell, Boak, Thompson of Botetourt, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Harrison of Brunswick, Kyle, Wills, Irvine of Campbell, Moncure of Caroline, Cardwell, Jones, Barbour, Irving of Cumberland, Vaughan, Segar, Clarke, Thomas, Rector, M'Clung, Howard of Floyd, Stillman, Claiborne, Edwards, Wood, Sydnor, Baily, Clopton, Guerrant, Carroll, Price, Maclin of Greenesville, Stovall, Major, Allen, Hiatt, Darracott, Welton, Bassel, Lancaster, Mullins, Boykin, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Wallace, Houser, Tomlin, Lane of Lee, Ferguson, White, Beard, Harris, Newman,

Arnett, Shepard, Cleadenin, Coleman, Whittle, Tanzey, Barnett, Gustin, Kilby, Perrow, Butt, Yerby, Basye, Booth, Pitts, Pannill, Buswell, Turner, Hiner, Syme, Townes, Grasty, Cackley, Fairfax, Wootton, Rives, Harrison of Prince William, Goff, Strother, Mayo, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Griffin, Conway, Nicholson, Burdett, George, Boyers, Goodson, Harvey, Collins and Boyd—118.

Ordered, That Messrs. Boisseau, Booth, Syme, Vaughan, Wootton and Rives, be a committee to act jointly with a committee of the senate to ascertain the state of the joint vote, and Mr. BOISSEAU reported that vote to be for *John F. Wily* 141; thereupon JOHN F. WILY, Esq. was declared duly elected a councillor of state from the expiration of the term of service of the present incumbent.

Mr. WORTHINGTON, from the committee for courts of justice, presented reports upon resolutions for extending the time of limitation of merchants' accounts; and for amending the act, entitled "an act authorizing constables to require indemnifying bonds."

Mr. POWELL, from the committee of claims, presented the following bill:

No. 341. A bill concerning second lieutenant Robert F. Astrop.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented a report upon the petition of citizens of the county of Randolph, for a road from Petersburg in Hardy, to Beverly in Randolph; and the following bills:

No. 342. A bill directing the Board of public works to construct the Leading creek and German Settlement turnpike road.

No. 343. A bill to incorporate the Buchanan turnpike company.

No. 344. A bill directing to be constructed a bridge across Polk creek on the Staunton and Parkersburg road.

No. 345. A bill to incorporate the Glenville turnpike company.

No. 346. A bill to incorporate the Buckhannan and Little Kanawha turnpike company.

No. 347. A bill to relieve the inhabitants of the town of Bridgewater from the duty of working on public roads.

No. 348. A bill incorporating the Guyandotte navigation company.

No. 349. A bill to incorporate the Fishing creek and Monongahela railroad company.

No. 350. A bill to authorize Charles B. Penn of the county of Botetourt, to establish a ferry or bridge across the James river.

No. 351. A bill to incorporate the Hampshire and Morgan turnpike company.

No. 352. A bill directing an additional subscription on behalf of the commonwealth to the capital stock of the Charleston and Point Pleasant turnpike company.

No. 353. A bill to incorporate the Williamsport turnpike company.

No. 354. A bill authorizing Levi Low of the county of Monongalia to increase the height of his dam.

No. 355. A bill to incorporate the Sweet and Salt Sulphur springs turnpike company.

No. 356. A bill to amend the act, entitled "an act to incorporate

the Thornton's gap turnpike company," passed January 19th, 1848, and for other purposes; and

No. 357. A bill providing for the appointment of a principal state engineer.

Mr. DARRACOTT, from the committee on agriculture and manufactures, presented the following bills:

No. 358. A bill to incorporate the Union manufacturing company; and

No. 359. A bill to appoint an agricultural chemist and mineralogist for the state of Virginia.

Mr. DARRACOTT, from the same committee, presented a report upon the subject of appointing an agricultural chemist and mineralogist for the state of Virginia; which, on his motion, was laid upon the table and ordered to be printed. [Doc. No. 65.]

On motion of Mr. STOVALL,

Resolved, That the committee for courts of justice enquire into the expediency of amending the act passed the 15th day of April 1848, in relation to Piety Dunman.

On motion of Mr. FERGUSON,

Resolved, That the committee for courts of justice enquire into the expediency of repealing the eleventh and twelfth sections of the statute of descents, passed March 10th, 1819.

On motion of Mr. HOWARD of Williamsburg,

Resolved, That the committee on lunatic asylums be instructed to enquire into the expediency of passing a law authorizing the directors of the Eastern asylum for the maintenance and cure of insane persons, to receive into the said asylum as patients, insane persons of the naval service or marine corps, who may be sent to the said asylum by the secretary of the navy, in accordance with the provisions of the thirtieth section of the act of congress approved August 3d, 1848.

Mr. HOWARD of Williamsburg presented sundry documents relating to the subject embraced in said resolution, which were ordered to be referred to the committee on lunatic asylums.

On motion of Mr. ROBINSON,

Resolved by the general assembly of the commonwealth of Virginia, That the senators from this state in the congress of the United States be instructed, and the representatives from Virginia be requested, to urgently press upon that government the justice and propriety of immediately providing by law for the satisfaction of all the Virginia military land warrants for revolutionary services, that are now unsatisfied.

Resolved by the general assembly, That the governor be and he is hereby requested to communicate to the senators and representatives from Virginia in the congress of the United States a copy of the resolution requesting the government of the United States to provide for the satisfaction of unsatisfied Virginia military land warrants for revolutionary services, and to reimburse the state for judgments recovered against it for pay, half-pay or commutation for similar services.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. CLAIBORNE,

Resolved, That it be referred to the committee of propositions and grievances to enquire into the expediency of reporting a bill to regulate physicians' fees.

Mr. SHEFFEY presented sundry documents to sustain the petition of Ferdinand S. Heiskill, praying to be divorced from his wife Huldah.

Mr. CONWAY, a petition of W. C. Martin, stating that he has obtained a judgment against the estate of James Parker, deceased, and that there is not sufficient personal property upon which to levy his execution; that the real estate is liable to escheat to the state, and praying that, if the property be escheated, he may receive the amount of his judgment from the public treasury.

Ordered, That the said documents and petition be referred to the committee for courts of justice.

Mr. SHEFFEY also presented a petition of James F. Patterson, praying that deeds conveying property, and other instruments of writing required by law to be recorded, may be recorded in the clerks' offices of the various corporations where the property or other matter named in said deeds lies within the limits of such corporations; which was ordered to be referred to the committee on revision.

The SPEAKER presented a petition of Henry Gordon, sheriff of the county of Powhatan, praying for authority to make his return of lands delinquent for nonpayment of taxes in the year 1846, and to have the amount thereof refunded to him out of the public treasury.

Mr. STOVALL presented a petition of John M. Seely praying to be allowed the amount of the award in his favour for painting the capitol and other public buildings.

Mr. FERGUSON, a petition of Martin Frashier and other citizens of the county of Wayne, praying for the remission of two fines imposed upon him for retailing spirits without a license.

On motion of Mr. PRICE, leave was given to withdraw the petition of Joseph Remley, presented at the last session of the legislature, asking to be compensated for a stand of colours furnished the 127th regiment of militia; thereupon he again presented the same.

Ordered, That the said petitions be referred to the committee of claims.

Mr. THOMAS presented a petition of Robert Ratcliffe, asking to be allowed compensation for services as commissioner of the revenue for the county of Fairfax, which was ordered to be referred to the same committee.

Mr. WOORTON presented a petition of M'Nutt & Flournoy, manufacturers of flour, asking that they may be permitted to export flour without inspection, and that the laws requiring flour to be inspected may be repealed; which was ordered to be referred to the committee on agriculture and manufactures.

Mr. LAYNE of Alleghany presented a memorial of James Wood and other citizens of the county of Wood, remonstrating against the passage of an act declaring French creek in said county a public highway; which was ordered to be referred to the committee of roads and internal navigation.

Mr. COLLINS presented a petition of citizens of the counties of Wood, Ritchie and Tyler, for the formation of a new county out of parts of said counties.

Also, a memorial of citizens of the county of Ritchie remonstrating against the same.

Ordered, That the said petition and memorial be referred to the committee of propositions and grievances.

No. 34. A bill authorizing in certain cases the transfer or removal of money or other personal property from the state, was taken up on motion of Mr. WATSON, amended on his motion, and as amended ordered to be engrossed and read a third time.

No. 35. A bill providing for taking the relinquishment of dower in the estate of lunatics, with the substitute thereto proposed by the committee for courts of justice, was taken up on motion of Mr. WATSON, and the said amendment having been agreed to, the said bill as amended was ordered to be engrossed and read a third time.

The following engrossed bills were read a third time and passed, viz :

No. 115. A bill to authorize a separate election at Stoney creek depot, in the county of Sussex.

No. 116. A bill authorizing a separate election at the tavern house of Benjamin W. Shelly in the county of Dinwiddie.

No. 117. A bill refunding to John Godfrey a certain sum of money.

No. 118. A bill releasing to James Cornwell the payment of a certain fine.

No. 265. A bill to add the county of Powhatan to the second judicial circuit; and

No. 113. A bill charging upon the treasury the annual appropriation to the deaf and dumb and blind asylum.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 119. A bill releasing to the common council of Alexandria the state's interest in certain money advanced for the use of the general government, which was under consideration when the house adjourned on yesterday, was taken up, and Mr. YERBY moved to amend the same, and then on his motion the bill was laid upon the table and the amendment ordered to be printed.

No. 120. A bill to establish a branch bank at Fincastle, in the county of Botetourt, was read a second time and amended on motion of Mr. THOMPSON of Botetourt, and the question being upon ordering the same as amended to be engrossed and read a third time,

On motion of Mr. SEGAR, the house adjourned until to-morrow 12 o'clock.

FRIDAY, FEBRUARY 9, 1849.

Prayer by the Rev. ALMON GAGE, of the Universalist church.

A communication from the senate by their clerk, was read as follows :

IN SENATE, FEBRUARY 6, 1849.

The senate have passed the bill, entitled

"An act divorcing Lucy W. Norman from her husband James B. Norman." (No. 66.)

And they have agreed to the resolution for an adjourned session of the general assembly, to complete the revision of the Civil and Criminal Code.

Mr. SCOTT, from the committee for courts of justice, reported, with amendment, the following bill :

No. 114. A bill to amend the act, entitled "an act concerning the City of Norfolk," passed February 13th, 1845.

And presented a report upon the resolution for increasing the allowance to the clerk of the circuit superior court of the county of Ohio ; and the following bill :

No. 360. A bill changing the time of holding the spring term of the circuit superior court of law and chancery for the county of Nicholas.

Mr. JONES, from the committee of propositions and grievances, presented the following bill :

No. 361. A bill to extend the corporate limits of the town of Petersburg.

Mr. DARRACOTT, from the committee on agriculture and manufactures, presented the following bill :

No. 362. A bill prohibiting the brands used by one manufacturer of tobacco from being used by another.

Mr. DORMAN, from the committee on the militia laws, presented the following bill :

No. 363. A bill for the better organization of the militia ; which, on his motion, was laid upon the table and ordered to be printed.

On motion of Mr. DORMAN,

Ordered, That the committee on the militia laws be discharged from the consideration of the petitions of the Nansemond cavalry, for an exchange of arms ; and of the officers of the 116th regiment of militia, praying to be allowed to train within the bounds of their regiment ; and from resolutions for a division of the tenth brigade ; to authorize clerks of courts of enquiry to administer oaths to persons offering excuses for fines ; and for creating an additional company of light infantry within the 142d regiment ; and the said petitions and resolutions were ordered to be laid upon the table.

On motion of Mr. YERRY,

Ordered, That 2000 copies of the report of the committee on agriculture and manufactures, relative to the appointment of an agricultural chemist and mineralogist for the state, presented on yesterday, be printed. [Doc. No. 65.]

Mr. Cook announced to the house the death of JOHN W. THOMPSON, delegate from the county of Botetourt; and submitted the following resolutions, which were unanimously adopted:

1. *Resolved by the house of delegates*, That they have witnessed, with deep sorrow and regret, the sudden death of JOHN W. THOMPSON, a delegate of the present general assembly from the county of Botetourt, who departed this life in this hall on yesterday, the 8th instant, at half past one o'clock.

2. *Resolved*, As a testimony of respect for the deceased, that the officers and members of this house will wear the usual badge of mourning for the remainder of the session.

3. *Resolved*, That a committee of two members be appointed to act in conjunction with a committee of the senate, to attend the remains of our deceased friend to his late residence in the county of Botetourt.

4. *Resolved*, That a copy of these resolutions be transmitted by the clerk of this house to the widow of the deceased.

The SPEAKER announced the following as the said committee: Messrs. M'Cue, and Layne of Alleghany.

On motion of Mr. PRICE,

Resolved, That a writ of election be issued to the sheriff of the county of Botetourt, for the election of a delegate to serve in the present general assembly, to supply the vacancy occasioned by the death of JOHN W. THOMPSON.

On motion of Mr. CLENDENIN, the house adjourned until to-morrow 12 o'clock.

SATURDAY, FEBRUARY 10, 1849.

Prayer by the Rev. ALMON GAGE, of the Universalist church.

A communication from the senate by their clerk was read as follows:

IN SENATE, FEBRUARY 7, 1849.

The senate have passed the bills, entitled

"An act concerning the appellate jurisdiction of the superior courts of law and chancery," (No. 60;) and

"An act extending the corporate limits of the town of Lewisburg, and enlarging the powers of the trustees thereof." (No. 106.)

And they have agreed to the preamble and resolutions relative to the legislation of congress upon the subject of fugitive slaves, and suggesting additional legislation thereon.

The SPEAKER laid before the house a communication from William Smith, Esq., late governor of the state, in reply to the communication of Judge Baker, which, on motion of Mr. PAXTON, was laid upon the table and ordered to be printed. [Doc. No. 52.]

On motion of Mr. PAXTON,

Ordered, That 500 extra copies of said communication be printed. Mr. Wood, from the committee of privileges and elections, presented

a report, which, on his motion, was taken up, read and agreed to, as follows:

The committee of privileges and elections have, according to order, had under consideration the memorial of William A. Scott, complaining of the undue election of George W. Kyle, the delegate returned from the county of Buckingham to represent the said county in the present house of delegates, and now respectfully report:

That after your committee had examined the poll of the returned member, and had made considerable progress in the examination of that of the contestant, they suspended their proceedings at the request of the contestant, who intimated that he would probably consent that the committee should be discharged from the further consideration of the subject referred to them. Your committee having waited for several weeks without hearing further from the contestant, proceeded with their investigation, and found the following to be the true state of the polls:

The entire number of votes on the poll of George W. Kyle, is	360
On that of William A. Scott,	358

Majority for George W. Kyle,	2
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Of the votes on the poll of the returned member, challenged by the contestant, thirteen, in the opinion of your committee, were illegal; and of those challenged by the returned member on the poll of the contestant, twenty were illegal, in the opinion of the committee.

Deducting from the entire vote of George W. Kyle	360
The number of illegal votes given to him,	13

And the number of legal votes given to him is found to be	347
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Deducting from William A. Scott's poll,	358
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The number of illegal votes found on the same,	20
--	----

And the number of legal votes given to him is ascertained to be	338
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Making the true majority of the returned member,	9
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Since arriving at this result, your committee have received a communication from William A. Scott, authorizing the chairman of the committee to ask to be discharged from the further consideration of his memorial; and they have therefore forbore to make any detailed report of the evidence submitted to and the questions decided by them. They have deemed it proper, however, to submit the foregoing statement of the result of their investigation.

Your committee, in conclusion, recommend the adoption of the following resolution:

Resolved, That the committee of privileges and elections be discharged from the further consideration of the memorial of William A. Scott, complaining of the undue election of George W. Kyle, the delegate returned from the county of Buckingham, to represent said county in the present house of delegates.

Mr. SCOTT, from the committee for courts of justice, presented a report on the pardon of John J. Johnston; and the following bill:

No. 364. A bill to prevent the abuse of the pardoning power.

On motion of Mr. SCOTT,

Ordered, That 5000 copies of said report and bill be printed. [Doc. No. 66.]

Mr. SMITH, from the committee of schools and colleges, presented the following bill:

No. 365. A bill to amend the act incorporating the Jacksonville academy.

Mr. WILLS, from the committee of roads and internal navigation, presented the following bills:

No. 366. A bill to increase the state's subscription to the capital stock of the Hardy and Winchester turnpike company.

No. 367. A bill to macadamize the Fishing creek and Ice's ferry road; and

No. 368. A bill directing an increase of the state's subscription to the capital stock of the Giles, Fayette and Kanawha turnpike company.

Mr. DARRACOTT, from the committee on agriculture and manufactures, presented the following bill:

No. 369. A bill incorporating the Albemarle and Nelson mining and smelting company.

Mr. YERBY, from the committee on lunatic asylums, presented the following bill:

No. 370. A bill providing for the reception of insane persons of the naval service and marine corps of the United States into the Eastern lunatic asylum.

On motion of Mr. FERGUSON,

Resolved, That the committee of propositions and grievances be instructed to report a bill repealing the act, entitled "an act to amend the act, entitled 'an act concerning the formation of new counties,'" passed April 1st, 1848.

On motion of Mr. MAYO,

Resolved by the general assembly of Virginia, That the superintendent of the public armory be and he is hereby required to furnish the Richmond Fayette artillery with a sufficient number of carbines to arm said company, in addition to the ordnance now in their possession.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. RECTOR,

Resolved, That the committee of propositions and grievances enquire into the expediency of incorporating the town of Weaversville, in the county of Fauquier.

On motion of Mr. WILLS,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of increasing the allowance to the sergeant of the corporation of Lynchburg for his attendance upon the sittings of that court.

On motion of Mr. SEGAR,

Ordered, That leave be given to bring in a bill providing that hereafter no slave shall be emancipated within this commonwealth, except on condition that the party emancipating shall make provision for removing such slave from the commonwealth, and that Messrs. Segar, Price, Mayo, Barbour, Strother, Perrow and Smith, prepare and bring in the same.

Mr. PRICE presented a petition of citizens of the county of Greenbrier, praying for a modification of the free school law for said county.

Mr. LAIDLEY, a petition of citizens of Coal's Mouth in the county of Kanawha, for the repeal of the law establishing a free school system for that county.

Ordered, That said petitions be referred to the committee of schools and colleges.

Mr. SCOTT presented a petition of citizens of the county of Fauquier, praying for the construction of a graded road from Orleans in said county, to the intersection of the Salem and Paris road in said county, which was ordered to be referred to the committee of roads and internal navigation.

Mr. CARDWELL presented a petition of citizens of the county of Charlotte, praying that Fenton G. North of said county may be permitted to sell goods and merchandize as a pedlar, without paying for a license; which was ordered to be referred to the committee of finance.

Mr. PITTS presented a petition of the Franklin Lodge of the Independent Order of Odd Fellows, praying the passage of an act authorizing said lodge to hold a lot of ground, not to exceed one acre, in the Woods cemetery, near the city of Wheeling, for burial purposes, which was ordered to be referred to the committee of propositions and grievances.

The following engrossed bills were read a third time and passed, viz:

No. 31. A bill authorizing, in certain cases, the transfer or removal of money or other personal property from the state; and

No. 35. A bill providing for taking the relinquishment of dower in the estate of lunatics.

Ordered, That the clerk communicate said bills to the senate and request their concurrence.

No. 110. A bill concerning bail in civil actions, with the amendment thereto proposed by the committee for courts of justice, was taken up on motion of Mr. PITTS, and the question being put upon the amendment, was determined in the negative.

The bill was then amended on motions made by Mr. SHEFFEY; and the question being on engrossing the same as amended, Mr. CLAIBORNE demanded that the main question be now put, and it was sustained by the house, and being put, was determined in the affirmative. Ayes 50, noes 42.

On motion of Mr. WILLS, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Smith, Mitchell, Burwell, Byrne of Braxton, Lewis and Gilmer, Irvine of Campbell, Irving of Cumberland, Se-

gar, Thomas, Scott, Rector, M'Clung, Claiborne, Edwards, Baily, Price, Allen, Darracott, Welton, Lancaster, Howard of James City, York and Williamsburg, Worthington, Laidley, Wallace, Tomlin, Ferguson, White, Beard, Shepard, Clendenin, Barnett, Gustin, Perrow, Pannill, Turner, Cackley, Fairfax, Harrison of Prince William, Goff, Mayo, Paxton, Aston, Fugate, Pitman, Sibert, Griffin, Moncure of Stafford, George, Boyers and Boyd—50.

NOES—Messrs. Finney, Watson, Boisseau, Powell, Cheatham, Sheffey, Byrd, Boak, De Camps, Kyle, Wills, Cardwell, Jones, Barbour, Clarke, Howard of Floyd, Stillman, Sydnor, Clopton, Guerrant, Carroll, Major, Hiatt, Houser, Lane of Lee, Newman, Whittle, Tanzey, Beirne of Monroe, Butt, Yerby, Booth, Pitts, Buswell, Grasty, Rives, Dorman, Harper, Nicholson, Massey, Harvey and Collins—42.

On motion of Mr. DORMAN, the house adjourned until Monday, 12 o'clock.

MONDAY, FEBRUARY 12, 1849.

Prayer by the Rev. ADAM EMPIE, of the Episcopal church.

A communication from the senate, by their clerk, was read as follows:

IN SENATE, FEBRUARY 8, 1849.

The senate have passed the bill, entitled

"An act concerning George Pickett and Thomas A. Withers." (No. 102.)

They have also passed the bill, entitled

"An act changing the time of holding the circuit superior courts of Spottsylvania and Caroline counties," (No. 100,) with amendments, in which they request the concurrence of the house of delegates.

The said amendments being read were severally agreed to, and it was ordered that the clerk inform the senate thereof.

The SPEAKER laid before the house the following communication, which was read, and, on motion of Mr. STOVALL, ordered to be laid upon the table:

RICHMOND, February 8, 1849.

To the General Assembly of Virginia.

GENTLEMEN:—In consequence of continued bad health, I feel constrained, in regard to the public interest, to resign the office which was conferred upon me by the legislature at the present session.

I hope the legislature will appoint a successor with as little delay as possible, as I deem it all-important to my recovery that I should get rid of the cares and responsibilities of office as soon as convenient.

I feel duly sensible of the confidence so frequently reposed in me by the legislature of the state, and have exerted myself to the fullest extent to deserve it.

My successor, I presume, can make arrangements to conduct the business in the same office for the present.

Very respectfully,

SAM'L SHEPHERD.

The **SPEAKER** also laid before the house a communication from the governor, transmitting a letter from the secretary of the state of South Carolina, enclosing the report and resolutions upon the principles of the Wilmot proviso, unanimously adopted by the senate and house of representatives of that state in December last, which, on motion of **Mr. STOVALL**, was laid upon the table, and the documents accompanying the same were ordered to be printed. [Doc. No. 67.]

Mr. WORTHINGTON, from the committee for courts of justice, presented a report upon the petition of Ferdinand S. Hieskell; and the following bills:

No. 371. A bill releasing the commonwealth's right to a certain house and lot therein mentioned to Martha M. Gayle; and

No. 372. A bill concerning committees of estates of lunatics.

Mr. STOVALL, from the committee on finance, presented the following bill:

No. 373. A bill concerning the commissioners of the revenue.

Mr. WILLS, from the committee of roads and internal navigation, presented the following bills:

No. 374. A bill to incorporate the Wellsburg and Bethany turnpike company.

No. 375. A bill to incorporate the Clarksburg and Wheeling turnpike company.

Mr. DARRACOTT, from the committee on agriculture and manufactures, presented reports upon the petitions of citizens of the county of Bedford, praying that Goose creek may be declared a lawful fence; and of Hunt & Langhorne, and others, and of M'Nutt & Flournoy, for the repeal of all laws requiring the inspection of flour before exportation.

Mr. GEORGE, according to order, presented the following bill:

No. 376. A bill to incorporate the Dismal and Walker's creek iron manufacturing company in the county of Giles.

Mr. SEGAR, according to order, presented the following bill:

No. 377. A bill to prevent the emancipation of slaves except in certain cases.

Mr. MAJOR, from the committee of propositions and grievances, presented a report upon the petition of citizens of the counties of Fauquier and Loudoun, for the formation of a new county out of parts thereof; and the following bills:

No. 378. A bill to change the place of holding a separate election in the county of Rappahannock.

No. 379. A bill changing the place of holding a separate election in the county of Botetourt.

No. 380. A bill authorizing a separate election at Laurel Point in the county of Monongalia.

No. 381. A bill authorizing a separate election at the house of Jesse Hall in the county of Harrison; and

No. 382. A bill to amend the act, entitled "an act concerning conveyances or devises of places of meeting of certain benevolent associations."

On motion of Mr. SHEFFEY,

Ordered, That leave be given to bring in a bill establishing and confirming the sale and conveyance of a tract of land in Powhatan county called Martin's, sold by Elizabeth C. Finney in her own right and as trustee for her children, to David H. Davidson of the City of Utica in the state of New York; and that Messrs. Mayo, Sheffey, Boisseau, Jones and Lancaster prepare and bring in the same; and that said committee have leave to sit during the session of the house.

Mr. SHEFFEY subsequently, according to order, presented the following bill:

No. 383. A bill concerning Elizabeth C. Finney and her children.

Mr. WATSON, from the committee for courts of justice, reported with amendment, the following bill:

No. 101. A bill changing the time of holding the circuit superior courts of the counties of Rockbridge, Nelson and Albemarle.

On motion of Mr. HARVEY,

Ordered, That leave be given to bring in a bill providing more effectually for the protection of the property of married women; and that Messrs. Harvey, Strother, Scott, Thomas, Watson, Worthington, Syme, Burwell and Wood prepare and bring in the same.

A motion was made by Mr. CONWAY, that the house adopt the following resolution:

Resolved, That the committee for courts of justice enquire into the expediency of providing by law that the county courts of the several counties in this commonwealth, now required to be holden on Monday, shall be hereafter required to be holden on Tuesday of the same week in which they are now holden.

* And the question being put thereupon, was determined in the negative. Ayes 35, noes 71.

On motion of Mr. CLAIBORNE, the vote was recorded as follows:

AYES—Messrs. Watson, Smith, Boisseau, Sheffey, Mitchell, Burwell, Faulkner, Wills, Irvine of Campbell, Vaughan, Thomas, Stillman, Wood, Darracott, Bassel, Worthington, Laidley, Wallace, Tomlin, Harrison of Loudoun, Coleman, Gustin, Booth, Syme, Grasty, Harrison of Prince William, Strother, Paxton, Pitman, Sibert, Conway, Nicholson, George, Massey and Harvey—35.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Hart, Powell, Cheatham, Byrd, Boak, De Camps, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moncure of Caroline, Lacy, Cardwell, Barbour, Irving of Cumberland, Segar, Clarke, Scott, Rector, M'Clung, Howard of Floyd, Claiborne, Edwards, Sydnor, Bailly, Guerrant, Carroll, Price, Major, Allen, Lancaster, Mullins, Howard of James City, York and Williamsburg, Webb, Lane of Lee, Ferguson, White, Beard, Newman, Arnett, Clendenin, Whittle, Tanzey, Beirne of Monroe, Barnett, Robinson, Butt, Yerby, Basye, Pannill, Turner, Hiner, Townes, Cackley, Fairfax, Rives, Goff, Cook, Dorman, Martz, Harper, Aston, Fugate, Thompson of Smyth, Griffin, Hargrave, Burdett, Boyers and Boyd—71.

On motion of Mr. WORTHINGTON,

Resolved, That the committee of finance enquire into the expediency of increasing the compensation of the commissioner of the revenue in the county of Jefferson.

Mr. FERGUSON submitted the following resolution, which, on motion

of Mr. WORTHINGTON, was ordered to be referred to the committee of roads and internal navigation :

Resolved by the general assembly, That if an engineer should be employed by the governors of Kentucky and Virginia to survey Sandy river and to report to them respectively the necessary improvements of said river, then one half of the expense incurred in making said survey shall be paid by this state, and the auditor of public accounts is hereby authorized to issue a warrant to pay the same, out of any monies in the treasury not otherwise appropriated.

A motion was made by Mr. PAXTON, that the house adopt the following resolution :

Resolved, That the superintendent of the public armory be directed to deliver to the president of the Madison mining and trading company, seventy stand of muskets, with the necessary equipments, and also two pieces of ordnance, of the calibre of six-pounders, properly mounted and equipped ; and to the president of the Pacific mining and trading company, 100 stand of muskets, with the necessary equipments, and also two pieces of ordnance, of the calibre of six-pounders, properly mounted and equipped, for the use of said companies in their contemplated expedition to California.

A motion was made by Mr. SYME that the further consideration thereof be indefinitely postponed ; and the question being put thereupon, was determined in the affirmative. Ayes 89, noes 23.

On motion of Mr. FERGUSON, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Nock, Hart, Watson, Boisseau, Powell, Sheffey, Mitchell, Faulkner, Boak, De Camps, Maclin of Brunswick, Harrison of Brunswick, Kyle, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Cardwell, Irving of Cumberland, Segar, Clarke, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Stillman, Edwards, Wood, Sydnor, Baily, Guerrant, Carroll, Price, Stovall, Major, Allen, Darracott, Welton, Bassel, Lancaster, Mullins, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Wallace, Houser, Tomlin, Webb, Lane of Lee, White, Harrison of Loudoun, Beard, Newman, M'Donald, Shepard, Clendenin, Coleman, Whittle, Beirne of Monroe, Barnett, Gustin, Yerby, Booth, Turner, Syme, Townes, Grasty, Cackley, Fairfax, Rives, Harrison of Prince William, Goff, Strother, Cook, Dorman, Aston, Fugate, Thompson of Smyth, Griffin, Hargrave, Nicholson, Boyers, Massey, Goodson, Harvey and Boyd—89.

NOES—Messrs. Finney, Smith, Cheatham, Byrd, Burwell, Barbour, Vaughan, Ferguson, Arnett, Tanzey, Robinson, Basye, Pitts, Pannill, Buswell, Hiner, Paxton, Martz, Harper, Pitman, Sibert, Conway and George—23.

Mr. LAIDLEY presented a petition of I. Diss De Bar, representing creditors of James Swan, deceased, praying the passage of an act to vest in Emile Dumas, son of the late John Peter Dumas, deceased, the title to certain lands lying west of the Alleghany mountains, and lately vested in said John P. Dumas, (for the benefit of said Swan's creditors,) under the act of March 1838 ; which was ordered to be referred to the committee for courts of justice.

Mr. RIVES presented a petition of citizens of the county of Prince George, praying a change in the location of a separate election precinct in said county.

Mr. WILLS, a petition of citizens of the town of Lynchburg, for the incorporation of a female orphan asylum in said town or its vicinity.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

Mr. COOK presented a petition of citizens of the counties of Botetourt and Alleghany, asking an appropriation for the construction of a turn-pike road, from the Red Sweet springs in the county of Alleghany to John Shirkey's, on the James river, in the county of Botetourt.

Mr. BURDETT, a petition of citizens of the counties of Taylor, Marion and Harrison, for the incorporation of a company to construct a turn-pike road from Bridgeport in Harrison county, to a point on the Beverley and Fairmont road in Marion county.

Ordered, That the said petitions be referred to the committee of roads and internal navigation.

No. 110. An engrossed bill concerning bail in civil actions, was read a third time; thereupon, a clause by way of ryder thereto was submitted by **Mr. FERGUSON**, which was twice read, and forthwith engrossed and read a third time; a motion was then made by **Mr. PITTS** to suspend the rule for the purpose of reconsidering the vote ordering said ryder to be engrossed, and it was determined in the negative.

A motion was then made by **Mr. SCOTT** to suspend the same rule for the purpose of reconsidering the vote ordering said bill to be engrossed; thereupon a motion was made by **Mr. LANE** of Lee, that the further consideration of said bill be indefinitely postponed, and it was determined in the negative. Ayes 35, noes 76.

On motion of **Mr. ASTON**, the vote thereupon was recorded as follows:

AYES—Messrs. Nock, Watson, Powell, Byrd, Burwell, De Camps, Irvine of Campbell, Moncure of Caroline, Cardwell, Barbour, Clarke, Howard of Floyd, Stillman, Wood, Sydnor, Carroll, Worthington, Thomson of Jefferson, Webb, Lane of Lee, M'Donald, Clendenin, Tanzey, Butt, Yerby, Booth, Buswell, Rives, Goff, Cook, Dorman, Aston, Griffin, Conway and Massey—35.

NOES—Messrs. Hopkins, (speaker,) Finney, Hart, Smith, Boisseau, Cheatham, Sheffey, Mitchell, Boak, Maclin of Brunswick, Harrison of Brunswick, Kyle, Wills, Lacy, Irving of Cumberland, Segar, Thomas, Scott, Rector, M'Clung, Claiborne, Edwards, Baily, Guerrant, Price, Stovall, Major, Allen, Darracott, Welton, Bassel, Lancaster, Mullins, Howard of James City, York and Williamsburg, Laidley, Houser, Tomlin, Ferguson, White, Harrison of Loudoun, Beard, Newman, Arnett, Shepard, Coleman, Whittle, Beirne of Monroe, Barnett, Gustin, Perrow, Pitts, Pannill, Turner, Hiner, Syme, Townes, Grasty, Cackley, Fairfax, Harrison of Prince William, Strother, Mayo, Paxton, Martz, Harper, Fugate, Pitman, Sibert, Thompson of Smyth, Hargrave, Nicholson, George, Boyers, Goodson, Harvey and Boyd—76.

The rule was then suspended, and the vote ordering the bill to be engrossed was reconsidered; the bill was then amended on motion of **Mr. SCOTT**, and as amended again ordered to be engrossed and read a third time.

No. 114. A bill to amend the act, entitled "an act concerning the City of Norfolk," passed February 13th, 1845, with the substitute thereto proposed by the committee for courts of justice, was taken up,

and the said substitute having been amended on motion of Mr. ROBINSON, and as amended, having been agreed to, the bill as amended, was ordered to be engrossed and read a third time.

No. 120. A bill to establish a branch bank at Fincastle in the county of Botetourt, was taken up, and on motion of Mr. COOK, ordered to be laid upon the table.

No. 121. A bill changing the time of holding the county courts of Harrison, was read a second time, and ordered to be engrossed and read a third time.

No. 122. A bill authorizing a subscription for the commonwealth to the stock of the Lynchburg and Tennessee railroad company, was taken up, and a motion was made by Mr. PAXTON to lay the same upon the table; and the said motion being under consideration,

On motion of Mr. PAXTON, the house adjourned until to-morrow 11 o'clock.

TUESDAY, FEBRUARY 13, 1849.

Prayer by the Rev. JOHN JOHNS, of the Episcopal church.

A communication from the senate by their clerk was read as follows:

IN SENATE, FEBRUARY 10, 1849.

The senate have passed the bill, entitled

"An act to add the county of Powhatan to the second judicial circuit." (No. 265.)

And they have agreed to the resolution requesting the government of the United States to provide by law for satisfying the Virginia military land warrants for revolutionary services.

Mr. WORTHINGTON, from the committee for courts of justice, presented reports upon so much of the governor's message as relates to the usury laws; and upon the petition of N. C. King, in behalf of the firemen of Norfolk.

Mr. POWELL, from the committee of claims, presented the following bill:

No. 384. A bill concerning John Tatsapaugh of the town of Alexandria.

Mr. DORMAN, from the committee on the militia laws, presented reports on the petitions of the Lancaster artillery; and of citizens of the county of Halifax, asking the privilege of raising another volunteer company of cavalry in the 84th regiment.

Mr. GEORGE, from the committee on trade and mechanic arts, presented the following bill:

No. 385. A bill to incorporate the Kanawha telegraph company.

Mr. HARVEY, according to order, presented the following bill:

No. 386. A bill to protect the property of married women.

On motion of Mr. MARTZ, (the same having been amended on motion of Mr. WORTHINGTON,) the following resolution was adopted:

Resolved, That this house will, with the consent of the senate, pro-

ceed on this day to elect a printer for the commonwealth, to fill the vacancy occasioned by the resignation of Samuel Shepherd, Esq.

Ordered, That Mr. MARTZ carry the same to the senate and request their concurrence.

On motion of Mr. SCOTT,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of incorporating the Fredericksburg and Blue Ridge steamboat company.

On motion of Mr. MASSEY,

Resolved, That the use of this hall be granted to the Virginia colonization society on this (Tuesday) evening.

On motion of Mr. DARRACOTT,

Resolved, That the committee on agriculture and manufactures be instructed to enquire into the expediency of altering or amending the laws in regard to the inspection of flour.

On motion of Mr. HART,

Resolved, That the committee on agriculture and manufactures be instructed to enquire into the expediency of regulating the measure of grain and seeds by weight.

On motion of Mr. M'DONALD,

Resolved, That the committee of propositions and grievances enquire into the expediency of establishing a separate election precinct at Rocklick schoolhouse in Marshall county, and of removing the election precinct from the house now occupied by James M. Howard in Marshall county, to Long Bottom schoolhouse in said county.

On motion of Mr. MASSEY,

Resolved, That the committee of roads and internal navigation enquire into the expediency of subscribing upon the part of the state to the erection of a bridge across the Shenandoah river at Castleman's ferry in the county of Clarke.

Mr. SCOTT presented a petition of citizens of the county of Fauquier, praying for the incorporation of a company to construct a turnpike road from the town of Warrenton to the Rappahannock river.

Mr. DE CAMPS presented a petition of citizens of the county of Brooke, for the formation of a third road district out of the northern portion of said county.

Mr. BEIRNE of Monroe, a petition of citizens of the county of Monroe, asking aid from the state for the completion of a road from the Sweet springs to Shirkey's landing on James river in the county of Botetourt.

Ordered, That the said petitions be referred to the committee of roads and internal navigation.

Mr. WOOD presented a petition of citizens of the county of Frederick, for the establishment of a separate election in said county.

Mr. M'DONALD, a memorial of citizens of the county of Marshall, remonstrating against the establishment of an election precinct at Rocklick schoolhouse in said county.

Ordered, That said petition and memorial be referred to the committee of propositions and grievances.

Mr. HARRISON of Loudoun presented a petition of Benjamin F. Taylor and others, citizens of the county of Loudoun, for the passage of an act to permit Wilson Anderson, a free negro, to remain in the commonwealth; which was ordered to be referred to the committee for courts of justice.

Mr. ROBINSON presented a petition of the Norfolk seaman's friend society, asking an appropriation from the treasury to aid in erecting buildings for the protection and security of seamen; which, on his motion, was ordered to be referred to a committee of Messrs. Robinson, Boykin, Whittle, Syme, Herbert, Thomas, Rives, Segar and Booth.

On motion of Mr. ROBINSON, the said petition was ordered to be printed. [Doc. No. 68.]

No. 284. A bill to amend the act, entitled "an act incorporating the town of Charleston, in the county of Kanawha," was taken up on motion of Mr. LAIDLEY, read the first time, and the rule of the house having been suspended, the second time; and ordered to be engrossed and read a third time.

No. 58. A bill authorizing the banks to issue small notes, was taken up on motion of Mr. SYME; thereupon a motion was made by Mr. HINER, that the farther consideration thereof be indefinitely postponed, and it was determined in the negative. Ayes 44, noes 69.

On motion of Mr. SYME, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Nock, Boisseau, Powell, Cheatham, Byrd, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Vaughan, Clarke, Edwards, Baily, Guerrant, Carroll, Stovall, Major, Houser, Tomlin, Newman, M'Donald, Shepard, Coleman, Tanzey, Beirne of Monroe, Butt, Pannill, Hiner, Cackley, Herbert, Rives, Harrison of Prince William, Martz, Harper, Pitman, Sibert, Conway, Hargrave, George, Boyers, Massey and Goodson—44.

NOES—Messrs. Finney, Hart, Watson, Sheffield, Mitchell, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Kyle, Moore, Wills, Irvine of Campbell, Lacy, Cardwell, Irving of Cumberland, Segar, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Stillman, Wood, Sydnor, Price, Darra-cott, Welton, Bassel, Lancaster, Mullins, Howard of James City, York and Williamsburg, Worthington, Laidley, Wallace, Webb, Lane of Lee, White, Harrison of Loudoun, Beard, Clendenin, Whittle, Barnett, Gustin, Perrow, Robinson, Yerby, Basye, Booth, Pitts, Turner, Syme, Townes, Grasty, Fairfax, Goff, Strother, Cook, Dorman, Paxton, Aston, Fugate, Thompson of Smyth, Griffin, Nicholson, Burdett, Harvey, Collins and Boyd—69.

A motion was made by Mr. CONWAY, to amend the said bill by inserting at the end of the second section the following provision:

Provided, That each bank availing itself of the provisions of this act, shall be required to place notes of the denomination of five dollars upon the same footing in all respects as notes of a less denomination, authorized to be issued by this act.

And the question being put upon adopting the same, was determined in the affirmative. Ayes 63, noes 53.

On motion of Mr. CONWAY, the vote thereupon was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Nock, Boisseau, Powell, Chea-

tham, Byrd, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Vaughan, M'Clung, Claiborne, Edwards, Wood, Baily, Guerrant, Carroll, Stovall, Major, Hiatt, Bassel, Mullins, Houser, Tomlin, Ferguson, Harris, Newman, M'Donald, Shepard, Coleman, Whittle, Tanzey, Beirne of Monroe, Gustin, Butt, Cowper, Pannill, Buswell, Hiner, Cackley, Fairfax, Herbert, Rives, Harrison of Prince William, Strother, Cook, Paxton, Martz, Harper, Fugate, Pitman, Sibert, Conway, Hargrave, Nicholson, George, Boyers, Massey, Goodson and Collins—63.

NOES—Messrs. Hart, Watson, Sheffey, Mitchell, Burwell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Kyle, Moore, Wills, Irvine of Campbell, Segar, Clarke, Thomas, Scott, Rector, Howard of Floyd, Stillman, Sydnor, Price, Darracott, Welton, Lancaster, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Wallace, Webb, Lane of Lee, White, Harrison of Loudoun, Beard, Clendenin, Barnett, Perrow, Robinson, Yerby, Booth, Pitts, Turner, Syme, Townes, Grasty, Goff, Dorman, Aston, Thompson of Smyth, Griffin, Burdett, Harvey and Boyd—53.

The question recurred upon engrossing the bill as amended, and was determined in the affirmative. Ayes 71, noes 48.

On motion of Mr. CONWAY, the vote was recorded as follows:

AYES—Messrs. Hart, Watson, Sheffey, Mitchell, Burwell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Kyle, Moore, Wills, Irvine of Campbell, Lacy, Cardwell, Irving of Cumberland, Segar, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Stillman, Wood, Sydnor, Price, Darracott, Welton, Bassel, Lancaster, Mullins, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Wallace, Webb, Lane of Lee, Ferguson, White, Harrison of Loudoun, Beard, Clendenin, Whittle, Barnett, Gustin, Perrow, Robinson, Cowper, Yerby, Booth, Pitts, Turner, Syme, Townes, Grasty, Fairfax, Goff, Strother, Cook, Dorman, Paxton, Aston, Fugate, Thompson of Smyth, Griffin, Burdett, Goodson, Harvey, Collins and Boyd—71.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Boisseau, Cheatham, Byrd, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Vaughan, Clarke, Claiborne, Edwards, Baily, Guerrant, Carroll, Stovall, Major, Houser, Tomlin, Harris, Newman, M'Donald, Shepard, Coleman, Tanzey, Beirne of Monroe, Butt, Pannill, Buswell, Hiner, Cackley, Herbert, Rives, Harrison of Prince William, Martz, Harper, Pitman, Sibert, Conway, Moncure of Stafford, Hargrave, Nicholson, George, Boyers and Massey—48.

A message was received from the senate by Mr. AMBLER, who informed the house that the senate agreed to the resolution for the election of a public printer on this day.

According to the said joint order of the day, the house proceeded, by joint vote with the senate, to the election of a public printer; thereupon, Mr. SHEFFEY nominated *John B. Colin*, and Mr. Wood nominated *William F. Ritchie*; and the senate having been informed thereof by Mr. SHEFFEY, and no person having been added to the nomination in that house, the vote was recorded as follows:

For Mr. Colin—Messrs. Finney, Hart, Watson, Sheffey, Mitchell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Kyle, Wills, Irvine of Campbell, Lacy, Cardwell, Irving of Cumberland, Segar, Clarke, Thomas, Scott, Rector, Howard of Floyd, Stillman, Price, Darracott, Welton, Lancaster, Howard of James City, York and Williamsburg, Worthington, Thomson

of Jefferson, Laidley, Wallace, Webb, White, Harrison of Loudoun, Beard, Clendenin, Barnett, Perrow, Cowper, Yerby, Booth, Turner, Syme, Townes, Grasty, Goff, Strother, Mayo, Dorman, Aston, Thompson of Smyth, Griffin, Burdett, Harvey and Boyd—54.

For Mr. Ritchie—Messrs. Hopkins, (speaker,) Nock, Boisseau, Powell, Cheatham, Byrd, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Vaughan, M'Clung, Claiborne, Edwards, Wood, Sydnor, Baily, Guerrant, Carroll, Stovall, Major, Bassel, Mullins, Houser, Tomlin, Lane of Lee, Ferguson, Harris, Newman, M'Donald, Shepard, Coleman, Whittle, Tanzey, Beirne of Monroe, Gustin, Butt, Pannill, Buswell, Hiner, Cackley, Fairfax, Herbert, Rives, Harrison of Prince William, Cook, Martz, Harper, Fugate, Pitman, Sibert, Conway, Moncure of Stafford, Hargrave, Nicholson, George, Boyers, Massey, Goodson and Collins—62.

Ordered, That Messrs. Sheffey, Lancaster, Wood, Claiborne, Conway, Scott, Mayo and Laidley, be a committee to act jointly with a committee of the senate, to ascertain the state of the joint vote; and Mr. SHEFFEY reported that vote to be, for *William F. Ritchie* 79, for *John B. Colin* 60; thereupon, WILLIAM F. RITCHIE was declared duly elected public printer for the unexpired term of the former incumbent.

On motion of Mr. LACY, the house adjourned until to-morrow 11 o'clock.

WEDNESDAY, FEBRUARY 14, 1849.

Prayer by the Rev. GEORGE WOODBRIDGE, of the Episcopal church.

Mr. SCOTT, from the committee for courts of justice, presented the following bills:

No. 387. A bill amending the act, entitled "an act concerning delinquent and forfeited lands, and providing for the sale of lands returned delinquent hereafter for the nonpayment of taxes," passed March 10th, 1832; and

No. 388. A bill to authorize a portion of the trust fund held by James B. Terrell, for the benefit of Piety Dunman and her children, to be invested in real estate.

Mr. WHITTLE, from the committee of schools and colleges, presented the following bill:

No. 389. A bill for the relief of Richard F. Farrar, a teacher in the county of Albemarle.

Mr. JONES, from the committee of propositions and grievances, presented reports upon resolutions for changing and fixing the time of meeting of the general assembly; for incorporating the Wheeling masonic hall association; for settling the county line between the counties of Braxton and Nicholas; and upon petitions of citizens of the county of Logan for a new county; and of stockholders of the Wheeling and Belmont bridge company; and the following bills:

No. 390. A bill providing for the election of trustees for the town of Hampton in the county of Elizabeth City, and vesting them with certain corporate powers; and

No. 391. A bill to extend the limits of and provide for electing trustees for the town of Marion in the county of Smyth, and vesting them with certain corporate powers.

Mr. WILLS, from the committee of roads and internal navigation, presented the following bills:

No. 392. A bill to incorporate the Baltimore, Norfolk and Petersburg steamboat company.

No. 393. A bill to incorporate the Glenville and Charleston turnpike company.

No. 394. A bill in relation to the Richmond and Petersburg railroad company.

No. 395. A bill incorporating the Berkeley and Jefferson turnpike company.

No. 396. A bill to increase the capital stock of the Weston and Fairmont turnpike company.

No. 397. A bill to incorporate the Short creek turnpike company.

No. 398. A bill to incorporate the Martinsburg and Potomac turnpike company.

No. 399. A bill to incorporate the Fredericksburg and Blue Ridge steamboat company; and

No. 400. A bill for the relief of the Rappahannock company.

On motion of Mr. ALLEN,

Ordered, That leave be given to report bill No. 503, of last session, concerning the suit of Hugh Crolley and Patrick M'Keown, against the president and directors of the Northwestern turnpike road; and that Messrs. Allen, Aston, Lane of Lee, Martz, Harper and De Camps, report the same.

On motion of Mr. BORN,

Resolved, That the committee on banks enquire into the expediency of authorizing the Farmers Bank of Virginia to supply to the office of said bank at Wytheville additional capital, so that the whole capital stock of said office shall not exceed five hundred thousand dollars, and for this purpose that said bank be authorized to receive subscriptions for additional capital.

No. 101. A bill changing the time of holding the circuit superior courts of the counties of Rockbridge, Nelson and Albemarle, with the amendment thereto proposed by the committee for courts of justice, was taken up, and the said amendment having been agreed to, the said bill as amended was ordered to be engrossed and read a third time.

No. 11. A bill concerning juries in civil cases, was taken up on motion of Mr. SCOTT, and made the order of the day for to-morrow at 12 o'clock.

The following engrossed bills were read a third time and passed:

No. 110. A bill concerning bail in civil actions.

No. 114. A bill to amend the act, entitled "an act concerning the City of Norfolk," passed February 13th, 1845; and

No. 121. A bill changing the time of holding the county courts of Harrison.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 284. An engrossed bill to amend the act, entitled "an act incorporating the town of Charleston in the county of Kanawha," was read a third time and passed.

Ordered, That Mr. LAIDLEY carry the same to the senate and request their concurrence.

No. 58. An engrossed bill authorizing the banks to issue small notes, was read a third time and passed. Ayes 55, noes 40.

On motion of Mr. RIVES, the vote thereupon was recorded as follows:

AYES—Messrs. Hart, Watson, Sheffey, Mitchell, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Kyle, Moore, Wills, Irvine of Campbell, Irving of Cumberland, Segar, Thomas, Scott, M'Clung, Howard of Floyd, Stillman, Wood, Sydnor, Baily, Carroll, Price, Welton, Bassel, Lancaster, Mullins, Howard of James City, York and Williamsburg, Laidley, Wallace, Webb, Lane of Lee, White, Beard, Clendenin, Whittle, Barnett, Robinson, Cowper, Yerby, Pitts, Turner, Syme, Townes, Grasty, Goff, Aston, Fugate, Thompson of Smyth, Griffin, Burdett, Goodson, Collins and Boyd—55.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Boisseau, Powell, Cheatham, Maclin of Brunswick, Harrison of Brunswick, Jones, Vaughan, Edwards, Guerrant, Stovall, Major, Allen, Houser, Tomlin, Harris, Newman, M'Donald, Shepard, Coleman, Tanzey, Beirne of Monroe, Butt, Hiner, Cackley, Herbert, Rives, Harrison of Prince William, Martz, Harper, Pitman, Sibert, Conway, Hargrave, Nicholson, George, Boyers and Massey—40.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

No. 339. A bill to establish the Central Bank of Virginia in the town of Staunton, was taken up on motion of Mr. HART, read the first time and (the rule having been suspended) the second time, and ordered to be committed to the committee which brought it in.

The following bills were read a second time, and on motions severally made, laid upon the table, and ordered to be the order of the day for Monday next, viz:

No. 122. A bill authorizing a subscription for the commonwealth to the stock of the Lynchburg and Tennessee railroad company.

No. 123. A bill to incorporate the Covington and Ohio railroad company.

No. 124. A bill to incorporate the Blue Ridge railroad company, and for other purposes; and

No. 125. A bill for the gradual redemption of the public debt.

No. 126. A bill appropriating the public revenue was, on motion of Mr. COOK, ordered to be laid upon the table.

No. 186. A bill to incorporate the Hardy county savings bank, was read the first, and on motion of Mr. WELTON, the second time, amended on his motion, and as amended, ordered to be engrossed and read a third time.

No. 188. A bill to regulate the forfeiture of undrawn school quotas to the Literary fund was read the first, and on motion of Mr. LAIDLEY, the second time, and ordered to be engrossed and read a third time.

No. 132. A bill to incorporate the Swift creek manufacturing company in the county of Chesterfield, and for other purposes, was, on motion of Mr. SYME, ordered to be laid upon the table.

The following reports of the committee for courts of justice were read and agreed to :

The committee for courts of justice have, according to order, enquired into the expediency of authorizing a special term of the county court of Clarke county for the month of June annually, for the purpose of making the county levy : Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to authorize a special term of the county court aforesaid.

The committee for courts of justice have, according to order, enquired into the expediency of taking from the county courts of this commonwealth the power of authorizing slaves, emancipated by their owners, to remain in the county : Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to take from the courts the power aforesaid.

The committee for courts of justice have, according to order, enquired into the expediency of so amending the law in relation to witnesses summoned before any of the courts of this commonwealth, as to allow them mileage for any distance over ten miles : Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to amend the law as proposed.

The committee for courts of justice have, according to order, enquired into the expediency of defining by law specifically, the punishment of wilful trespasses : Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to legislate upon the subject.

The committee for courts of justice have, according to order, enquired into the expediency of so amending the 48th section of the act passed the 16th day of April 1831, concerning circuit superior courts, as to empower the judges of said courts to make an allowance to the several clerks thereof, for public services, not exceeding five dollars for each commonwealth's prosecution, in all cases where the fees of such clerks shall not be collected from the defendant, in lieu of the allowance provided for by said act : Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to amend the law as proposed.

The committee for courts of justice have, according to order, had under consideration the petition of Isaac Worneldorf, James B. Christian and Landon R. Fogens, to them referred, "praying for compensation as veniremen ;" and have come to the following resolution thereupon :

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee for courts of justice have, according to order, enquired into the expediency of so amending the charter of the city of Richmond, as to authorize the city council of said city to prohibit the erection of wooden buildings therein : Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to amend the charter of the city of Richmond, so as to give the authority aforesaid.

The committee for courts of justice have, according to order, en-

quired into the expediency of passing a law to provide that when any person's or persons' lands be so situated as that he or they cannot irrigate them, without the waters passing upon and overflowing the coterminous lands, that he or they be permitted to enter upon such coterminous lands, and construct or cause to be constructed such French drain or drains as may be necessary to prevent such spread or overflow of waters: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to pass a law containing the provisions aforesaid.

The committee for courts of justice have, according to order, enquired into the expediency of so amending the law in relation to the county courts as to dispense with the holding of the monthly terms thereof: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to amend the law as proposed.

The committee for courts of justice have, according to order, enquired into the expediency of amending the act of assembly passed on the day of allowing the taking of depositions in cases where the witnesses reside more than one hundred miles from the place where they are to testify, so as to allow the taking of the same where the witness resides thirty miles from the place where his testimony is to be used: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to amend the act referred to, as proposed.

The committee for courts of justice have, according to order, had under consideration the petition of Edwin Walke, to them referred, "praying the passage of an act to preclude and rescind all right of dower of his wife to any property which he now possesses, or may hereafter acquire," and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee for courts of justice have, according to order, enquired "into the expediency of reporting a bill subjecting the citizens of this commonwealth, or persons residing for the time being in this state, who either directly or indirectly interfere with the institution of slavery in any manner to promote disaffection, and thereby endanger the peace and harmony of the citizens of this community, and deserving of public reprobation as disturbers of the peace, and upon conviction of such interference shall be liable to presentment and punishment under the provisions of the fortieth section of chapter tenth of the Criminal Code:" Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to legislate further upon the subject aforesaid.

The committee for courts of justice have, according to order, had under consideration the petition of William N. F. Hill, to them referred, "praying for a divorce from his wife Cordilia Hill," and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee for courts of justice have, according to order, had under consideration the petition of Susan C. Armstrong and others, to them referred, "praying for the passage of a law authorizing the sale of certain real estate," &c., and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee for courts of justice have, according to order, enquired into the expediency of electing an attorney to prosecute the pleas of the commonwealth in each of the judicial circuits in this commonwealth, by a joint vote of both houses of the general assembly: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to legislate upon the subject aforesaid.

The committee for courts of justice have, according to order, enquired into the expediency of so amending the laws as to require that the justices of the peace in each county be required to perform the court duties at their quarterly terms in rotation: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to legislate upon the subject aforesaid.

The committee for courts of justice have, according to order, considered so much of the governor's message as relates to the county court system, and ask to be discharged from the further consideration thereof.

A report of the same committee, reporting it inexpedient to define the manner of giving notice to parties living out of the county in which the application is made, to try the rights of property before a justice of the peace, was, on motion of Mr. FUGATE, ordered to be laid upon the table.

A report of the same committee, reporting it inexpedient to repeal an act relating to the commissioners of the revenue, passed March 16, 1847, was, on motion of Mr. LANE of Lee, ordered to be laid upon the table.

A report of the same committee, reporting it inexpedient to change the law to authorize clerks of courts to issue subpoenas for witnesses to appear before grand juries before the commencement of the term of the court, was, on motion of Mr. SHEFFER, ordered to be laid upon the table.

A report of the same committee, reporting it inexpedient to lessen the judicial circuits of the state, was, on motion of Mr. LANE of Lee, ordered to be laid upon the table.

A further report of the same committee, rejecting the petition of George Edwards, was, on motion of Mr. TOMLIN, ordered to be committed to the said committee.

A further report of the same committee, reporting it inexpedient to appoint a trustee in the state of Florida, to receive the estate now held by Thomas W. Fauntleroy for the use of Judith T. Caldwell, was, on motion of Mr. SHEPARD, ordered to be committed to the said committee.

The following reports of the committee of claims were read and severally agreed to:

The committee on claims have, according to order, enquired into the propriety of refunding to Edward T. Blamire the sum of fifty-three dollars, paid by him to the clerk of Norfolk county court as a tax for affixing the seal of his office to the transfer of bounty lands by the late volunteers in the service of the United States, and have come to the following resolution thereon:

Resolved, That the chairman of this committee ask to be discharged from the further consideration of said resolution.

The committee on claims have, according to order, enquired into the expediency of allowing John C. Rogers twenty-one dollars and eighty-eight cents for the tuition of poor children, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That it is inexpedient to allow said claim.

The committee on claims have, according to order, had under consideration a memorial of the heirs of William Ivy and Thomas Snale, praying to be allowed pay for the services of said Ivy and Snale in the navy of Virginia during the revolutionary war, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the said petition be rejected.

A report of the same committee, rejecting the petition of John J. Stack, was, on motion of Mr. BEIRNE of Monroe, ordered to be laid upon the table.

A report of the committee of schools and colleges was read as follows:

The committee of schools and colleges have, according to order, enquired into the expediency of providing for the payment of \$34 73 to Joshua King, of Bath county, alleged to be due to him for the tuition of poor children, entered by school commissioners of the said county, but not paid, in consequence of some derangement in the meeting of the school commissioners, and want of funds, arising from the formation of the new county of Highland; and the committee have come to the following resolution:

Resolved, That it is inexpedient to provide for such payment.

The said resolution was agreed to, an *unsuccessful* motion having been made by Mr. BYRD to amend the same, so as to reverse the decision of the committee.

A further report of the same committee was read and agreed to:

The committee of schools and colleges have considered the petition to them referred, of John Miller, for compensation out of the school fund for Nelson county for the education of poor children in 1844, and the committee have come to the following resolution thereupon:

Resolved, That the prayer of the said petition be rejected.

A report of the committee of finance was read and agreed to as follows:

The committee on finance have, according to order, had under consideration the petition of Stephen Duval of the county of Chesterfield, praying the remission of taxes paid by him, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The following reports of the committee of propositions and grievances, were severally read and agreed to :

The committee of propositions and grievances have, according to order, enquired into "the expediency of repealing the law which passed on the first day of April 1848, respecting the manner in which the votes shall be taken for the formation of new counties:" Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to repeal the said law.

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of the county of Pittsylvania, to them referred, praying the establishment of a separate election at Chesnut Grove in said county : Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners be rejected for want of notice, required by the "act (of 29th January 1834) regulating applications for separate elections."

The committee of propositions and grievances have, according to order, enquired into "the expediency of changing the place of holding a separate election from the house of J. J. Ritter, at Walnut Grove in Putnam county, to the house of Alexander Caruthers, near the mouth of Pocatalico in said county:" Whereupon,

Resolved as the opinion of this committee, That it is inexpedient so to change the place of holding said separate election, there not being notice as required by the 23d rule of the house of delegates.

The committee of propositions and grievances have, according to order, "enquired into the expediency of passing a law allowing a premium for killing crows in the county of Bath:" Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to pass such a law ; the law, as it now stands, being sufficient to authorize the county court of any county to apply existing provisions to the county desiring the same. See the act of 5th January 1828, extending the provisions of the act of 10th February 1826, entitled "an act to encourage the killing of crows within certain counties," to all counties desiring the same.

A report of the committee of schools and colleges was read and agreed to as follows, an unsuccessful motion having been made by Mr. PERROW to commit the same, viz :

The committee of schools and colleges have, according to order, enquired into the expediency of making an appropriation to Rector college, upon condition that the college shall repay the same by the gratuitous education of indigent young men as teachers. The committee have also considered several petitions from citizens of Taylor county, containing a prayer to the same effect ; and the committee have come to the following resolution :

Resolved, That it is inexpedient to make such an appropriation.

The following report was taken up and read, and on motion of Mr. SHEFFY, ordered to be laid upon the table :

The committee appointed to examine the register's office, having,

according to order, proceeded to make the requisite examination, beg leave respectfully to report :

The books, papers, &c. belonging to said office, are legibly written, well arranged, and carefully preserved. The number of grants issued for waste and unappropriated lands for the year 1848, is eleven hundred and eighty-eight, of which sixty-five are in the Northern Neck. The amount of fees, &c. received into this office for the year preceding October 10th, 1848, is as follows :

		<i>For 1st half year.</i>	<i>For 2nd half year.</i>
Northern Neck survey,	-	142 91	25 47
Other do.	-	2,452 80	930 00
Treasury warrants,	-	1,349 32	849 56
Military do.	-	26 17	83 47
Searches,	-	260 79	199 00
Caveats,	-	13 50	39 00
		\$ 4,245 49	2,126 50
			4,245 49

Total amount of fees, - \$ 6,371 99

Amount of cash paid into the treasury for the purchase of waste and unappropriated lands, from the 10th October 1847, to 10th April 1848, -

5,010 90

From 10th April 1848, to October 10th, 1848, -

3,139 23

Fees paid into treasury from land office :

From October 10th, 1847, to 10th April 1848, 4,245 49

From April 10th, 1848, to October 10th, 1848, 2,126 50

6,371 99

Total amount paid into treasury from land office, \$14,522 12

Exceeding the amount paid in last year by the sum of three thousand, one hundred and ninety-two dollars and five cents.

The committee further take pleasure in representing to the house of delegates, that, so far as they can ascertain, all the duties required by law of the register of that office, are performed in a prompt, faithful, efficient and courteous manner, and to the entire satisfaction of all concerned. All of which is respectfully submitted.

THOS. B. BUTT,
LOUIS C. H. FINNEY,
THOS. JEFF. DE CAMPS,
M. B. D. LANE,
B. W. BYRNE.

The SPEAKER laid before the house a communication from Charles S. Morgan, superintendent of the penitentiary, responding to the resolution of the house calling for a report in detail upon the advantages of moral and religious instruction at this time enjoyed by the convicts in the penitentiary, and the regulations relating thereto ; which on mo-

tion of Mr. BASSEL, was laid upon the table and ordered to be printed. [Doc. No. 69.]

The following bills were read the first and ordered to be read a second time, viz:

No. 127. A bill divorcing Henry Biddle from his wife Delana.

No. 128. A bill changing the time of holding the county courts of Wetzel.

No. 129. A bill authorizing Nicholas Cleary to sell the slave of his infant son Thomas R. Cleary.

No. 130. A bill to authorize the common council of Alexandria to subscribe to the stock of the Orange and Alexandria railroad company.

No. 131. A bill concerning Nathaniel Poindexter of the county of Halifax.

No. 133. A bill to amend the act, entitled "an act to reduce into one the several acts concerning crimes and punishments, and proceedings in criminal cases."

No. 134. A bill for the incorporation of the Sharon cemetery company.

No. 135. A bill incorporating the Thornrose cemetery company at the town of Staunton.

No. 136. A bill to prohibit the taking of fish with seines or nets by nonresidents in the Great and Little Kanawha rivers and their tributaries, or in the Ohio or its tributaries, within the jurisdiction of this state.

No. 138. A bill appointing commissioners to select a site for the seat of justice for the county of Grayson, and for confirming or rejecting the same by the vote of the people.

No. 139. A bill to provide for the extension of the Moorfield and North branch turnpike road.

No. 140. A bill extending the time that clerks may execute deeds to purchasers of land sold for nonpayment of taxes.

No. 141. A bill to punish frauds upon the elective franchise.

No. 142. A bill to amend an act, entitled "an act providing for the collection of claims against the owners of steamboats and other craft navigating the Ohio river and its tributaries within this commonwealth," passed March 4th, 1846.

No. 143. A bill to amend the act, entitled "an act to amend an act, entitled 'an act to amend and explain the laws concerning western land titles, and for other purposes.'"

No. 144. A bill for the better protection of religious assemblies.

No. 145. A bill for the relief of John De Sellem.

No. 146. A bill incorporating the German Hebrew society Ahabath Israel in Richmond.

No. 147. A bill to authorize a separate election at M'Clung's mill in the county of Highland.

No. 148. A bill to authorize a separate election at the Crabbottom in the county of Highland.

No. 149. A bill incorporating the Portsmouth manufactory.

No. 150. A bill incorporating the American insurance company of Norfolk.

No. 151. A bill to renew the charter of the Falls and Winterpoc manufacturing companies.

No. 152. A bill providing for the more effectual protection of sheep in the county of Wythe.

No. 153. A bill incorporating the Gas light company of Norfolk.

No. 154. A bill for the relief of Clara Robinson.

No. 155. A bill divorcing James B. Harrison from his wife Sarah C. Harrison, and for other purposes.

No. 156. A bill concerning the town of Martinsburg in the county of Berkeley.

No. 158. A bill making an appropriation for bridges on the Staunton and Parkersburg road.

No. 161. A bill concerning district public schools in the county of Ohio.

No. 162. A bill increasing the salary of the first clerk of the treasurer's office.

No. 163. A bill ratifying and confirming the sale of a portion of the capitol square by the governor to B. B. Minor.

No. 164. A bill to incorporate the Spring hill company.

No. 165. A bill authorizing the county court of Wythe to increase the reward for killing wolves within said county.

No. 167. A bill making persons jointly indicted competent witnesses for or against each other.

No. 168. A bill concerning constables' fees.

No. 169. A bill allowing additional compensation to the clerk of the superior court of chancery held in Richmond.

No. 170. A bill authorizing clerks to administer oaths when called upon to perform any official act.

No. 171. A bill to amend the charter of the town of Winchester in the county of Frederick.

No. 172. A bill declaring as exempt from taxation under the special road laws of Rockbridge county, the officers, contractors and labourers on the James river and Kanawha company's line of improvement.

No. 173. A bill to amend the act, entitled "an act concerning oysters and terrapins, and the penalties in regard to them," so far as Norfolk county is concerned.

No. 174. A bill for the prevention of depredations by boatmen navigating the James river and Kanawha company's line of improvements.

No. 175. A bill concerning the proxies of the James river and Kanawha company.

No. 177. A bill to complete the Sistersville and Salem turnpike road.

No. 178. A bill further to provide for constructing the road from the Richlands in Tazewell to the Kentucky line.

No. 179. A bill to incorporate the Moorfield and Alleghany turnpike company.

No. 180. A bill providing for the construction of a bridge across Powel's river on the Cumberland gap and Price's turnpike road.

No. 181. A bill authorizing the proprietors of the road constructed by Brightberry Brown of the county of Albemarle, under authority of

an act passed the 3d January 1800, to change its location, and for other purposes.

No. 182. A bill authorizing the county court of Brooke county to rebuild the courthouse of said county, and for other purposes.

No. 183. A bill to amend the act, entitled "an act to reduce into one the several acts for regulating ordinaries and houses of private entertainment, and for the restraint of tippling houses."

No. 184. A bill to establish the Virginia armory school.

No. 185. A bill incorporating the trustees of Reedy spring academy.

No. 187. A bill prohibiting the allowance of grace on bills of exchange and drafts payable at sight.

No. 189. A bill to incorporate the Fincastle female seminary.

No. 190. A bill divorcing Sarah W. Williams from her husband John W. Williams.

No. 191. A bill concerning set-offs.

No. 192. A bill to incorporate the Mutual fire insurance company of Loudonn county.

No. 193. A bill to change the place of holding a separate election in the county of Lewis.

No. 194. A bill concerning the taking of oysters in York and Poquosin rivers.

No. 195. A bill providing for the extension of the provisions of the present road law of Brooke county to the counties of Tyler and Wetzel.

No. 196. A bill to provide for constructing, on state account, a turnpike road from Alleghany county to the Staunton and Parkersburg road.

No. 197. A bill to legalize John H. Griffith's mill and dam in the county of Harrison.

No. 198. A bill to incorporate the Pamunkey navigation company.

No. 199. A bill providing for the attendance of witnesses before commissioners of assessment for railroad companies.

No. 200. A bill authorizing the common council of the town of Alexandria, to make provision for the support of the poor of said town.

No. 201. A bill changing the time of holding the first quarterly term of the county court of Jackson.

No. 202. A bill divorcing Robert H. Mitchell from his wife Mary A.

No. 203. A bill extending the jurisdiction of the hustings court of Fredericksburg.

No. 204. A bill incorporating the trustees of Shenandale college, in the county of Shenandoah.

No. 205. A bill to extend to machinists and workers in iron the lien given to mechanics and others for labour and materials expended in erecting or repairing houses.

No. 207. A bill concerning executors who have qualified without giving security.

No. 208. A bill concerning free negroes and mulattoes.

No. 209. A bill to amend an act, entitled "an act amending the act regulating proceedings in suits against corporations."

No. 210. A bill concerning nonresident parties to suits; and

No. 211. A bill concerning Watsontown in the county of Hampshire.

No. 206. A bill concerning the jurisdiction of a single justice, was also read the first and ordered to be read a second time.

Mr. FERGUSON submitted an amendment intended to be offered by him to said bill, which, on his motion, was ordered to be printed.

On motion of Mr. MAJOR, the house adjourned until to-morrow 11 o'clock. Ayes 45, noes 23.

On motion of Mr. HOWARD of Floyd, the vote thereupon was recorded as follows:

AYES—Messrs. Hart, Watson, Boisseau, Cheatham, Sheffey, Byrd, Mitchell, Kyle, Wills, Moncure of Caroline, Lacy, Jones, Stillman, Wood, Sydnor, Baily, Guerrant, Stovall, Major, Allen, Hiatt, Welton, Howard of James City, York and Williamsburg, Houser, White, Beard, Harris, Coleman, Perrow, Turner, Hiner, Townes, Grasty, Fairfax, Goff, Martz, Aston, Fugate, Pitman, Sibert, Burdett, Massey, Goodson, Collins and Boyd—45.

NOES—Messrs. Hopkins, (speaker,) Finney, De Camps, Cardwell, Howard of Floyd, Edwards, Carroll, Bassel, Lane of Lee, Ferguson, Newman, M'Donald, Tanzey, Beirne of Monroe, Robinson, Butt, Cackley, Herbert, Harrison of Prince William, Harper, Thompson of Smyth, George and Boyers—23.

THURSDAY, FEBRUARY 15, 1849.

Prayer by the Rev. GEORGE WOODBRIDGE, of the Episcopal church. A communication from the senate, by their clerk, was read as follows:

IN SENATE, FEBRUARY 12, 1849.

The senate have passed the bills, entitled

"An act repealing the first, second and third sections of an act, entitled 'an act concerning the correction of errors committed in the progress of chancery causes, and regulating appeals from decrees pronounced therein,'" (No. 109;) and

"An act changing the times of holding the county courts of the counties of Cabell, Wayne, Boone and Kanawha." (No. 112.)

And they have rejected the bill, entitled

"An act charging upon the treasury the annual appropriation to the deaf and dumb and blind asylum."

Mr. WOOD, from the committee of privileges and elections, presented a report upon the returns of elections and qualifications of members.

Mr. SCOTT, from the committee for courts of justice, presented the following bill:

No. 401. A bill for the relief of Wilson Anderson.

Mr. POWELL, from the committee of claims, presented the following bill:

No. 402. A bill concerning John M. Seely.

Mr. WILLS, from the committee of roads and internal navigation, presented the following bills:

No. 403. A bill to incorporate the Morgantown and Bridgeport turnpike company.

No. 404. A bill incorporating the Orleans and Salem turnpike company; and

No. 405. A bill incorporating the Warrenton and Rappahannock turnpike company.

Mr. STOVALL, from the committee of finance, presented reports upon the petition of citizens of the City of Wheeling, for an increase of the tax on brokers' licenses; and of citizens of the county of Charlotte, praying that Fenton G. North be permitted to peddle goods without paying for a license; and the following bills:

No. 406. A bill concerning Capts. Browning and Glenn, of the revolutionary war; and

No. 407. A bill concerning John P. Thomasson, commissioner of the revenue for the county of Wirt.

Mr. WHITTLE, from the committee of schools and colleges, presented a report upon the petition of citizens of the county of Kanawha, for the repeal of the district free school system in certain districts in said county.

Mr. THOMAS, according to order, presented the following bill:

No. 408. A bill providing for the erection of a monument to Washington.

On motion of Mr. THOMAS, the said bill was taken up, read the first and ordered to be read a second time.

On motion of Mr. SHEFFEY,

Ordered, That leave be given to bring in a bill to incorporate the Virginia and New York steampacket company; and that Messrs. Mayo, Sheffey, White, Howard of Williamsburg, Strother, and Thompson of Jefferson, prepare and bring in the same, and that said committee have leave to sit during the session of the house.

Mr. SHEFFEY subsequently, according to order, presented the following bill:

No. 409. A bill to incorporate the Virginia and New York steampacket company.

On motion of Mr. MASSEY,

Resolved, That the committee for courts of justice enquire into the expediency of changing the time of holding the county court of Clarke for the month of June annually.

A motion was made by Mr. PRICE that the house adopt the following resolution:

Resolved by the general assembly, That the adjourned session of the general assembly, appointed to be held on the 28th day of May next, shall be held at the White Sulphur springs, in Greenbrier county, on the day of July next: and that so much of the joint resolution heretofore adopted, as requires said session to commence on the 28th day of May, shall be and is hereby rescinded.

On motion of Mr. SYME, the further consideration thereof was indefinitely postponed.

On motion of Mr. ROBINSON,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of amending an act passed March 22, 1838, establishing a ferry between Norfolk and Portsmouth.

On motion of Mr. Wood,

Resolved, That the committee of roads and internal navigation enquire into the expediency of so amending an act passed March 27, 1848, which provides for the construction of a turnpike road from Front Royal to some point in the Valley turnpike, as to make Newtown the terminus for said road.

On motion of Mr. MAJOR,

Resolved, That the committee on agriculture and manufactures enquire into the expediency of reporting a bill incorporating the Grindstone Hill mining and manufacturing company.

On motion of Mr. LAIDLEY,

Resolved, That the committee of roads and internal navigation enquire into the expediency of authorizing the Board of public works to employ a competent engineer to survey Coal river, from its junction with the Great Kanawha to the mouth of the Spruce fork, on Little Coal, and to the Fayette county line on Big Coal, with a view to ascertain the mode of improving the same, so as best to promote the public interest.

On motion of Mr. ROBINSON,

Resolved, That a select committee be appointed to enquire into the propriety of chartering the Norfolk navigation company.

And a committee was appointed of Messrs. Robinson, Syme, Segar, Hargrave, Herbert, Butt and Shepard.

Mr. WHITE presented a petition of citizens of the county of Loudoun, for a reduction of the tax on dogs in said county.

Mr. MOORE, a petition of citizens of the county of Wayne, for the passage of an act to take the sense of the people of said county as to the removal of the seat of justice thereof to the forks of Sandy river.

Mr. LAIDLEY presented a memorial of citizens of the county of Wayne, remonstrating against the removal of the seat of justice of said county.

Mr. FERGUSON, a petition of citizens of the town of Barboursville in the county of Cabell, for an act to incorporate the said town.

Ordered, That the said petitions and memorial be referred to the committee of propositions and grievances.

Mr. COWPER presented a petition of the trustees of the town of Portsmouth, praying the passage of an act extending the credit on the first instalment of the debt due by said trustees to the Board of public works, as the purchase money of the Seaboard and Roanoke railroad, and granting a release of said debt, if within two years the rebuilding of said road shall be completed.

Also, a petition of John Harper of the county of Norfolk, for the incorporation of a company, to be styled the Great Green Sea company, to cut a canal from Herron's mill on New Mill creek to the Northwest river in said county.

Mr. FERGUSON, a petition of citizens of the counties of Wayne and Logan, for the passage of an act providing for the removal of obstructions to the navigation of Sandy river.

Ordered, That the said petitions be referred to the committee of roads and internal navigation.

Mr. Cook presented a petition of sundry millers of the county of Roanoke, for the repeal of all laws now in force requiring that flour shall be inspected before exportation.

And a similar petition of sundry millers of the county of Amherst.

Ordered, That the said petitions be referred to the committee on agriculture and manufactures.

Mr. SMITH presented a communication from Joseph Eaches, president of the Alexandria canal company, relative to the improvement over which he presides; which, on motion of Mr. SMITH, was ordered to be laid upon the table and be printed. [Doc. No. 70.]

No. 26. A bill, entitled "an act to amend the act passed April 4th, 1848, entitled 'an act amending the act, entitled 'an act concerning oysters and terrapins and the penalties in regard to them,' passed March 22d, 1847, and for other purposes," with the amendment thereto proposed by the senate, was taken up on motion of Mr. SEGAR; thereupon, a motion was made by Mr. LACY that the further consideration of said bill and amendment be indefinitely postponed; and the motion being under consideration, the house passed to the order of the day, and

No. 11. A bill concerning juries in civil cases, with the amendment thereto proposed by Mr. KILBY, and the amendment to said amendment submitted by Mr. LANE of Lee, was taken up:

The 31st section of the bill provides, that "Every juror summoned to *attend* any circuit superior court shall be entitled to receive one dollar and twenty-five cents per diem for every day he shall actually attend in obedience to such summons, to be allowed by the court and paid out of the public treasury. But no juror who shall depart without leave of the court, or being summoned as a witness shall charge for his attendance as such, shall be entitled to receive any compensation for his services as a jurymen."

The motion submitted by Mr. KILBY, proposed to strike out all after the word "*attend*," where it first occurs, and insert in lieu thereof the following: "any circuit superior court of law and chancery, or quarterly court, shall be entitled to receive one dollar per diem for every day he shall actually attend in obedience to such summons, to be allowed by the county court and paid *by a county levy*. But no juror who shall depart without leave of the court, or being summoned as a witness shall charge for his attendance as such, shall be entitled to receive any compensation for his services as a jurymen."

The amendment of Mr. LANE of Lee, proposed to strike from the said amendment the words "*by a county levy*," and insert in lieu thereof the words "*out of the public treasury*;" and the question being put thereupon, was determined in the affirmative. Ayes 65, noes 46.

On motion of Mr. KILBY, the vote was recorded as follows:

AYES—Messrs. Nock, Powell, Sheffey, Byrd, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, Kyle, Moore, Wills, Irvine of Campbell, Lacy, Barbour, Irving of Cumberland, M'Clung, Wood, Sydnor, Baily, Carroll, Price, Allen, Hiatt, Welton, Bassel, Lancaster, Mullins, Wallace, Lane of Lee, Ferguson, Harris, Newman, Arnett, M'Donald, Clendenin, Tanzey, Beirne of

Monroe, Gustin, Perrow, Basye, Pitts, Pannill, Buswell, Turner, Hiner, Townes, Grasty, Cackley, Fairfax, Harrison of Prince William, Goff, Mayo, Dorman, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, George, Boyers, Massey, Goodson, Collins and Boyd—65.

NOES—Messrs. Hopkins, (speaker,) Hart, Smith, Boisseau, Cheatham, Mitchell, De Camps, Harrison of Brunswick, Moncure of Caroline, Cardwell, Jones, Vaughan, Segar, Clarke, Thomas, Scott, Rector, Howard of Floyd, Stillman, Claiborne, Edwards, Stovall, Major, Howard of James City, York and Williamsburg, Thomson of Jefferson, Laidley, Houser, Tomlin, Webb, White, Beard, Shepard, Coleman, Whittle, Kilby, Robinson, Butt, Cowper, Yerby, Syme, Herbert, Strother, Griffin, Conway, Hargrave and Nicholson—46.

The question recurred upon adopting the amendment as amended, and was determined in the negative. Ayes 50, noes 58.

On motion of Mr. LANE of Lee, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Nock, Powell, Byrd, Boak, Byrne of Braxton, Lewis and Gilmer, Kyle, Moore, Wills, Cardwell, Jones, Clarke, M'Clung, Howard of Floyd, Wood, Sydnor, Bailly, Carroll, Allen, Bassel, Mullins, Howard of James City, York and Williamsburg, Lane of Lee, Ferguson, Harris, Newman, Shepard, Tanzey, Gustin, Perrow, Yerby, Pitts, Pannill, Buswell, Turner, Hiner, Cackley, Fairfax, Harrison of Prince William, Goff, Mayo, Harper, Fugate, Pitman, Sibert, Thompson of Smyth, George, Boyers, Massey and Collins—50.

NOES—Messrs. Smith, Boisseau, Cheatham, Mitchell, Burwell, Faulkner, De Camps, Harrison of Brunswick, Irvine of Campbell, Moncure of Caroline, Lacy, Barbour, Vaughan, Segar, Thomas, Scott, Rector, Stillman, Claiborne, Edwards, Price, Stovall, Major, Hiatt, Welton, Lancaster, Thomson of Jefferson, Laidley, Wallace, Houser, Tomlin, Webb, White, Harrison of Loudoun, Beard, Clendenin, Coleman, Whittle, Beirne of Monroe, Kilby, Robinson, Butt, Cowper, Booth, Syme, Townes, Grasty, Herbert, Strother, Dorman, Martz, Aston, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson and Boyd—58.

The question recurred upon engrossing the bill and reading it a third time, and Mr. HIETT demanded that the main question be now put, and it was sustained by the house, and being put was determined in the affirmative. Ayes 65, noes 46.

On motion of Mr. BASSEL, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Nock, Smith, Cheatham, Sheffey, Burwell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Moore, Irvine of Campbell, Lacy, Barbour, Irving of Cumberland, Clarke, Thomas, Scott, Rector, Stillman, Claiborne, Edwards, Carroll, Stovall, Major, Allen, Hiatt, Welton, Lancaster, Mullins, Howard of James City, York and Williamsburg, Thomson of Jefferson, Laidley, Wallace, Houser, Tomlin, Webb, White, Harrison of Loudoun, Beard, Harris, Newman, Clendenin, Whittle, Tanzey, Gustin, Cowper, Yerby, Pitts, Buswell, Turner, Syme, Townes, Grasty, Strother, Mayo, Dorman, Martz, Harper, Aston, Fugate, Conway, Moncure of Stafford, Boyers and Boyd—65.

NOES—Messrs. Hart, Boisseau, Powell, Byrd, Mitchell, Harrison of Brunswick, Kyle, Wills, Moncure of Caroline, Cardwell, Jones, Vaughan, Segar, M'Clung, Howard of Floyd, Wood, Sydnor, Bailly, Price, Bassel, Lane of Lee, Ferguson, Shepard, Coleman, Beirne of Monroe, Kilby, Perrow, Robinson, Butt, Booth, Pannill, Hiner, Cackley, Fairfax, Herbert, Harrison of Prince

William, Goff, Pitman, Sibert, Thompson of Smyth, Griffin, Hargrave, Nicholson, George, Massey and Collins—46.

On motion of Mr. BOYERS, the house adjourned until to-morrow 11 o'clock.

FRIDAY, FEBRUARY 16, 1849.

Prayer by the Rev. ADAM EMPIE, of the Episcopal church.

A communication from the senate by their clerk was read as follows :

IN SENATE, FEBRUARY 15, 1849.

The senate have passed the bill, entitled

"An act to amend the act, entitled 'an act incorporating the town of Charleston in the county of Kanawha.' " (No. 284.)

Mr. THOMAS, from the committee for courts of justice, presented the following bill :

No. 410. A bill changing the time of holding the county court of Clarke county for the month of June.

Mr. WHITTLE, from the committee of schools and colleges, presented reports upon the petition of A. Bryan, school commissioner for the county of Mason ; and upon the resolution for appropriating money to found a library at the Buckingham female institute.

Mr. JONES, from the committee of propositions and grievances, presented the following bills :

No. 411. A bill changing the place of holding a separate election in the county of Prince George ; and

No. 412. A bill to provide for electing trustees for the town of Clarksburg in the county of Harrison, and vesting them with certain corporate powers.

Mr. WILLS, from the committee of roads and internal navigation, presented a report upon a resolution for the survey of Sandy river ; and the following bills :

No. 413. A bill to amend an act to incorporate the Front Royal turnpike company, passed March 27th, 1848.

No. 414. A bill to incorporate the Castleman's toll bridge company.

Mr. HERBERT, from the committee on agriculture and manufactures, presented the following bill :

No. 415. A bill to incorporate the Green Stone hill mining company.

Mr. SYME, from the committee on banks, reported with amendments the following bill :

No. 339. A bill to establish the Central Bank of Virginia in the town of Staunton ;

And presented the following bill :

No. 416. A bill to authorize the president and directors of the Farmers Bank of Virginia to increase the capital of the branch of said bank at Wytheville.

Mr. BARBOUR, from the committee on the executive expenditures, presented a report.

Mr. STOVALL, from the committee of finance, presented a report upon the resolution for making the owner, and not the hirer, pay the taxes on negroes; and the following bill:

No. 417. A bill concerning William F. Lemosy.

Mr. WILLS, from the committee of roads and internal navigation, reported with amendment the following bill:

No. 176. A bill authorizing the state's guarantee to certain bonds of the James river and Kanawha company.

Mr. ROBINSON, according to order, presented the following bill:

No. 418. A bill to incorporate the Virginia navigation company.

No. 254. A bill to amend an act, entitled "an act concerning the administration of real assets," was taken up on motion of Mr. IRVING Cumberland, read the first, and ordered to be read a second time.

No. 274. A bill abolishing imprisonment for debt, and for other purposes, was taken up on motion of Mr. PRICE, read the first, and ordered to be read a second time.

On motion of Mr. HARRISON of Loudoun,

Resolved, That a special committee be appointed to bring in a bill to amend the act, entitled "an act incorporating the Goose creek navigation company," passed 15th day of March 1832, and the acts supplementary thereto.

And a committee was appointed of Messrs. Harrison of Loudoun, Barbour, Smith, Robinson and Thomas.

On motion of Mr. ROBINSON,

Resolved, That the governor be, and he is hereby requested, to present in the house of delegates, on the 22d instant, at one o'clock, to Brevet Col. M. M. Payne, the sword heretofore voted to him by the legislature of Virginia.

A motion was made by Mr. TOMLIN that the house adopt the following resolution:

Resolved, That the committee on banks enquire into the expediency of requiring all persons now required by law to take out licenses to carry on any business, or for any purpose whatever, to take an oath, before such license shall issue, not to violate the law against the circulation of the notes of the banks of other states under the denomination of five dollars; and further, to require all sheriffs and other officers collecting the public revenue and other public dues, and the county and corporation levies and dues, to take a similar oath.

A motion was made by Mr. SYME, that the further consideration thereof be indefinitely postponed, and it was determined in the affirmative. Ayes 56, noes 37.

On motion of Mr. TOMLIN, the vote was recorded as follows:

AYES—Messrs. Finney, Nock, Hart, Smith, Sheffey, Mitchell, Burwell, Boak, De Camps, Moore, Wills, Moncure of Caroline, Irving of Cumberland, Clarke, Thomas, Rector, Howard of Floyd, Stillman, Carroll, Price, Hiatt, Welton, Bassel, Thomson of Jefferson, Laidley, Wallace, Webb, Lane of Lee, White, Beard, M'Donald, Shepard, Clendenin, Beirne of Monroe, Kilby, Robinson, Butt, Cowper, Yerby, Pitts, Turner, Syme, Townes, Grasty, Cackley, Goff, Dorman, Aston, Fugate, Thompson of Smyth, Griffin, Burdett, George, Massey, Goodson and Collins—56.

NOES—Messrs. Hopkins, (speaker,) Powell, Cheatham, Byrd, Byrne of Braxton, Lewis and Gilmer, Harrison of Brunswick, Jones, Barbour, Vaughan, Edwards, Wood, Sydnor, Baily, Stovall, Major, Allen, Howard of James City, York and Williamsburg, Tomlin, Ferguson, Harris, Newman, Coleman, Whittle, Tanzey, Buswell, Hiner, Herbert, Harrison of Prince William, Cook, Martz, Harper, Pitman, Sibert, Hargrave, Nicholson, Boyers and Boyd—37.

On motion of Mr. IRVING of Cumberland,

Resolved, That the committee for courts of justice enquire into the expediency of amending the act passed at the last session of the general assembly, entitled "an act to revive the act authorizing the county court of Augusta to subscribe for stock in the Staunton and James river turnpike company, and for other purposes."

On motion of Mr. TOMLIN,

Resolved, That the committee for courts of justice be instructed to report bill number 457 of the last session, in relation to the establishment of public landings, with restrictions upon the use thereof.

On motion of Mr. LANE of Lee,

Resolved, That the committee of claims be instructed to enquire into the expediency of paying William L. Martin, deputy sheriff of Lee, additional compensation for conveying a patient to the Western asylum in the year 1849.

On motion of Mr. BURDETT,

Resolved, That the committee of roads and internal navigation be instructed to enquire into the expediency of directing a survey of the Tygart's Valley river, with a view to determine its practicability for improvement by means of a slackwater navigation.

On motion of Mr. HARRISON of Prince William,

Resolved, That the committee of finance be requested to report a bill authorizing the county court of Prince William county to re-assess the Sudley mills property in the county of Prince William, now owned by Richard C. Mackall.

On motion of Mr. EDWARDS,

Resolved, That the committee on banks be instructed to enquire into the expediency of incorporating a savings institution at Rocky Mount in the county of Franklin.

On motion of Mr. HARRIS,

Resolved, That the committee of schools and colleges be instructed to enquire into the expediency of authorizing the school commissioners of each county to appoint the day for their annual meeting in each county.

Mr. SYME presented sundry documents to shew the military services of Capt. John G. Camp; which were ordered to be referred to the committee on swords.

Mr. GOODSON presented a petition of citizens of the town of Abingdon, asking for the incorporation of a savings bank in said town.

Mr. MITCHELL, a petition of citizens of the county of Bedford, for the establishment of a savings bank at Liberty in said county.

Ordered, That said petitions be referred to the committee on banks.

Mr. SHERREY presented a petition of W. W. King and other citizens of the town of Waynesborough, for the incorporation of the Waynes-

borough savings institution ; which, on his motion, was ordered to be laid upon the table.

Mr. CHEATHAM presented a petition of citizens of the counties of Appomattox, Campbell and Charlotte, for a change in the time of holding the superior courts in the counties of Appomattox, Charlotte and Halifax ; which was ordered to be referred to the committee for courts of justice.

Mr. HOWARD of Williamsburg presented a petition of citizens of the county of York, for the establishment of a separate election to be held at the Raleigh tavern in the City of Williamsburg.

Mr. RECTOR, a petition of citizens of the village of Weaversville in the county of Fauquier, asking for an act for incorporating said village.

Mr. DE CAMPS, a petition of citizens of the county of Brooke, praying the passage of an act to change the place of holding a separate election from the house of James Neal to the schoolhouse of Samuel Wallace.

Mr. M'DONALD, a petition of Joseph C. Ruple and others, citizens of Marshall county, for the establishment of a separate election at Rocklick in said county.

Ordered, That the said petitions be referred to the committee of propositions and grievances.

A report of the committee of propositions and grievances upon the petition of the stockholders of the Wheeling and Belmont bridge company for an amendment of their charter, was taken up on motion of Mr. PITTS, and ordered to be committed to said committee.

No. 26. A bill, entitled "an act to amend the act passed April 4th, 1848, entitled 'an act amending the act, entitled 'an act concerning oysters and terrapins, and the penalties in regard to them,' passed March 22d, 1847, and for other purposes,'" with the amendment thereto proposed by the senate, which was under consideration when the house adjourned on yesterday was taken up, and the motion which was then made by Mr. LACY to postpone the same indefinitely was determined in the negative ; and then on motion of Mr. PRICE the bill and amendment were ordered to be laid upon the table.

No. 101. An engrossed bill changing the time of holding the circuit courts of the counties of Rockbridge, Nelson and Albemarle, was read a third time and passed.

No. 186. An engrossed bill to incorporate the Hardy county savings bank, was read a third time ; thereupon, a clause by way of rider thereto was submitted by Mr. SHEFFEY, which was twice read, and forthwith engrossed and read a third time, and the bill and rider was passed.

On motion of Mr. SHEFFEY, the title was amended by adding thereto the words "*and for other purposes*;" and as amended, was agreed to by the house.

No. 11. An engrossed bill concerning juries in civil cases was read a third time and passed. Ayes 51, noes 43.

On motion of Mr. FINNEY, the vote thereupon was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Nock, Smith, Cheatham, Sheffey, Bur-

well, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Irvine of Campbell, Barbour, Irving of Cumberland, Clarke, Thomas, Scott, Rector, M'Clung, Stillman, Edwards, Stovall, Allen, Hiatt, Welton, Mullins, Howard of James City, York and Williamsburg, Thomson of Jefferson, Laidley, Wallace, Tomlin, Webb, White, Beard, Harris, Newman, M'Donald, Clendenin, Tanzey, Gustin, Yerby, Pitts, Buswell, Turner, Syme, Townes, Grasty, Strother, Martz, Harper, Aston, Burdett and Goodson—51.

NOES—Messrs. Finney, Hart, Boisseau, Byrd, Mitchell, Harrison of Brunswick, Wills, Moncure of Caroline, Cardwell, Jones, Vaughan, Howard of Floyd, Wood, Sydnor, Baily, Carroll, Bassel, Lane of Lee, Ferguson, Shepard, Coleman, Beirne of Monroe, Kilby, Perrow, Butt, Hiner, Cackley, Fairfax, Herbert, Harrison of Prince William, Goff, Cook, Fugate, Pitman, Sibert, Thompson of Smyth, Griffin, Hargrave, Nicholson, George, Boyers, Massey and Collins—43.

On motion of Mr. SCOTT, the title of said bill was amended by striking therefrom the words "*in civil actions*," and as amended, was agreed to by the house.

Ordered, That the clerk communicate the said bills to the senate, and request their concurrence.

No. 188. An engrossed bill to regulate the forfeiture of undrawn school quotas to the Literary fund, was read a third time and passed.

Ordered, That Mr. LAIDLEY carry the same to the senate and request their concurrence.

No. 138. A bill appointing commissioners to select a site for the seat of justice for the county of Grayson, and for confirming or rejecting the same by the vote of the people, was read a second time, amended on motions of Mr. SHEFFEX, and as amended ordered to be engrossed and read a third time.

No. 147. A bill to authorize a separate election at M'Clung's mill in the county of Highland, was read a second time, amended on motions of Mr. HART and Mr. LAIDLEY, and as amended ordered to be engrossed and read a third time.

No. 152. A bill providing more effectually for the protection of sheep in the county of Wythe, was read a second time, amended on motion of Mr. BOYD, and as amended ordered to be engrossed and read a third time.

No. 155. A bill divorcing James B. Harrison from his wife Sarah C. Harrison, and for other purposes, was read a second time, and on motion of Mr. STROTHER, ordered to be committed to the committee which brought it in.

The following bills were read a second time, and ordered to be engrossed and read a third time, viz:

No. 127. A bill divorcing Henry Biddle from his wife Delana.

No. 128. A bill changing the time of holding the county courts of Wetzel.

No. 129. A bill authorizing Nicholas Cleary to sell the slave of his infant son Thomas Reilly Cleary.

No. 130. A bill to authorize the common council of Alexandria to subscribe to the stock of the Orange and Alexandria railroad company.

No. 131. A bill concerning Nathaniel Poindexter of the county of Halifax.

No. 134. A bill for the incorporation of the Sharon cemetery company.

No. 135. A bill incorporating the Thornrose cemetery company at the town of Staunton.

No. 145. A bill for the relief of John De Sellem.

No. 146. A bill incorporating the German Hebrew society Ahabath Israel in Richmond.

No. 148. A bill to authorize a separate election at the Crab Bottom in the county of Highland.

No. 150. A bill incorporating the American insurance company of Norfolk.

No. 151. A bill to renew the charter of the Falls and Winterpoc manufacturing companies.

No. 153. A bill incorporating the Gas light company of Norfolk.

No. 154. A bill for the relief of Clara Robinson.

No. 156. A bill concerning the town of Martinsburg in the county of Berkeley.

No. 162. A bill increasing the salary of the first clerk of the treasurer's office.

No. 163. A bill ratifying and confirming the sale of a portion of the capitol square by the governor to B. B. Minor; and

No. 164. A bill to incorporate the Spring hill company.

No. 149. A bill incorporating the Portsmouth manufactory, was read a second time, amended on motion of Mr. COWPER, and as amended ordered to be engrossed and read a third time.

On motion of Mr. PANNILL, the house adjourned until to-morrow 11 o'clock.

SATURDAY, FEBRUARY 17, 1849.

Prayer by the Rev. JOHN JOHNS of the Episcopal church.

The following communications from the senate, by their clerk, were read as follow:

IN SENATE, FEBRUARY 16, 1849.

The senate have passed the bills, entitled

"An act to amend the act, entitled 'an act concerning the City of Norfolk,' passed February 13th, 1845," (No. 114;) and

"An act changing the time of holding the county courts of Harrison." (No. 121.)

IN SENATE, FEBRUARY 14, 1849.

The senate have passed the bills, entitled

"An act concerning precinct elections in the counties of Pulaski, Jefferson and Rappahannock." (No. 108.)

"An act refunding to John Godfrey a certain sum of money," (No. 117;) and

"An act to authorize a separate election at Stoney creek depot, in the county of Sussex." (No. 115.)

They have also passed the bills, entitled

"An act providing for taking the relinquishment of dower in the estate of lunatics," (No. 35;) and

"An act to amend the act, entitled 'an act authorizing two separate elections in the county of Fayette,' " (No. 74,) with amendments, in which they request the concurrence of the house of delegates.

And they have rejected the bill, entitled

"An act establishing the county of Atlanta, out of the northern end of the county of Accomack." (No. 157.)

The said amendments being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

Mr. SCOTT, from the committee for courts of justice, presented the following bills:

No. 419. A bill to authorize the county courts to establish public landings, with restrictions upon the public use thereof; and

No. 420. A bill changing the names of Fleming and Friendless Blood to that of Meredith.

On motion of Mr. JONES,

Ordered, That the committee of propositions and grievances be discharged from the consideration of the petition of Samuel E. Dove, and that the same be laid upon the table.

Mr. POWELL, from the committee of claims, presented reports upon the petitions of Daniel D. M'Rae and of John D. D. Rossett; and the following bills:

No. 421. A bill concerning Robert Ratcliffe, commissioner of the revenue for the county of Fairfax; and

No. 422. A bill concerning Joseph Remley of the county of Greenbrier.

Mr. WILLS, from the committee of roads and internal navigation, presented the following bills:

No. 423. A bill to amend the act incorporating the Blue Ridge turnpike company.

No. 424. A bill concerning the Little Kanawha bridge company; and

No. 425. A bill incorporating the Logan, Raleigh and Monroe turnpike company.

Mr. STOVALL, from the committee of finance, presented the following bill:

No. 426. A bill increasing the compensation of the commissioners of the revenue for the counties of Roanoke and Jefferson.

Mr. HARRISON of Loudoun, according to order, presented the following bill:

No. 427. A bill to amend the several acts incorporating the Goose creek navigation company.

Mr. ALLEN, according to order, presented the following bill:

No. 428. A bill directing that the papers in the suit of Crolley & M'Keown, against the president and directors of the Northwestern turnpike company, be transferred to the clerk of the circuit superior court of law and chancery for the county of Harrison.

On motion of Mr. GOODSON,

Ordered, That leave be given to bring in a bill giving the Exchange

Bank of Virginia or Farmers Bank of Virginia the authority to establish a branch at Abingdon, and that Messrs. Goodson, Irvine of Campbell, George, Thompson of Smyth, Baily, Aston, and Lane of Lee, prepare and bring in the same.

Mr. MAYO presented a petition of the common council of the City of Richmond, for leave to open a street in front of the armory, which was ordered to be referred to a committee of Messrs. Mayo, Lancaster, Darracott, Jones, Lacy, Guerrant and Harris.

Mr. CLENDENIN presented a petition of the Sons of Temperance, Division No. 78, in Point Pleasant, Mason county, asking to be incorporated with the privilege of holding real and personal estate not exceeding five thousand dollars.

Mr. DE CAMPS, a memorial of citizens of the county of Brooke, remonstrating against changing the place of holding elections for the northern precinct of said county.

Mr. BYRNE of Braxton presented a petition of citizens of the county of Braxton, asking a change in a part of the boundary line between the counties of Braxton and Randolph.

Ordered, That said petitions be referred to the committee of propositions and grievances.

Mr. LAIDLEY presented a memorial of citizens of the upper portion of the county of Kanawha, remonstrating against the repeal of the free school law for said county, which was ordered to be referred to the committee of schools and colleges.

Mr. LANCASTER presented a petition of citizens of the county of Henrico, praying that a portion of the Chickahominy river may be declared a lawful fence, which was ordered to be referred to the committee on agriculture and manufactures.

The following report of the committee of privileges and elections was taken up on motion of Mr. FERGUSON and read :

The committee of privileges and elections have had under consideration the resolution to them referred, directing them to enquire into the expediency of changing the time of holding the elections for members of congress and of the house of delegates and senate of Virginia, and have adopted the following resolution :

Resolved, That it is inexpedient to change the time of holding said elections.

On motion of Mr. IRVING of Cumberland, the further consideration thereof was indefinitely postponed.

No. 146. An engrossed bill incorporating the German Hebrew society Ahabath Israel in Richmond, was read a third time, and on motion of Mr. MARTZ, the further consideration thereof was indefinitely postponed.

Resolved, That said bill be rejected.

Mr. SCOTT, from the committee for courts of justice, presented the following bill :

No. 429. A bill for the relief of the creditors of James Swan, deceased.

No. 148. An engrossed bill to authorize a separate election at the Crab Bottom, in the county of Highland, was read a third time; thereupon a clause by way of ryder thereto, was submitted by Mr.

MARTZ, which was twice read, and amended on motion of **Mr. TURNER**, and as amended forthwith engrossed and read a third time, and then the bill and ryder were passed.

On motion of **Mr. STOVALL**, the title was amended, so as to cause it to read, "An act concerning precinct elections in the counties of Highland, Rockingham and Patrick," and as amended was agreed to.

No. 147. An engrossed bill to authorize a separate election at M'Clung's mill in the county of Highland, was read a third time and passed; and the title was amended on motion of **Mr. MARTZ**, so as to cause it to read, "An act concerning precinct elections in the counties of Highland, Albemarle and Putnam."

Ordered, That the clerk communicate said bills to the senate and request their concurrence.

No. 143. A bill to amend the act, entitled "an act to amend an act, entitled 'an act to amend and explain the laws concerning western land titles, and for other purposes,'" was amended on motion of **Mr. FERGUSON**, and as amended, ordered to be engrossed and read a third time.

No. 161. A bill concerning district public schools in the county of Ohio, was read a second time, amended on motion of **Mr. PITTS**, and as amended, ordered to be engrossed and read a third time.

No. 172. A bill declaring as exempt from taxation under the special road laws of Rockbridge county, the officers, contractors and labourers on the James river and Kanawha company's line of improvement, was read a second time, amended on motion of **Mr. PERROW**, and as amended, ordered to be engrossed and read a third time.

The following bills were read a second time, and on motions severally made, laid upon the table, and made the order of the day for Monday.

No. 177. A bill to complete the Sistersville and Salem turnpike road.

No. 158. A bill making an appropriation for bridges on the Staunton and Parkersburg road.

No. 176. A bill authorizing the state's guarantee to certain bonds of the James river and Kanawha company.

No. 180. A bill providing for the construction of a bridge across Powell's river in the Cumberland gap and Price's turnpike road; and

No. 178. A bill further to provide for constructing a road from the Richlands in Tazewell, to the Kentucky line.

On motion of **Mr. WHITTLE**, the report of the joint committee upon the public armory, relative to the sale of the armory property, and for other purposes, was taken up and ordered to be printed. [Doc. No. 71.]

The following engrossed bills were read a third time and passed, viz:

No. 127. A bill divorcing Henry Biddle from his wife Delana.

No. 128. A bill changing the time of holding the county courts of Wetzel.

No. 129. A bill authorizing Nicholas Cleary to sell the slave of his infant son Thomas Reilly Cleary.

No. 130. A bill to authorize the common council of Alexandria to subscribe to the stock of the Orange and Alexandria railroad company.

No. 131. A bill concerning Nathaniel Poindexter of the county of Halifax.

No. 134. A bill for the incorporation of the Sharon cemetery company.

No. 135. A bill incorporating the Thornrose cemetery company at the town of Staunton.

No. 138. A bill appointing commissioners to select a site for the seat of justice for the county of Grayson, and for confirming or rejecting the same by the vote of the people.

No. 145. A bill for the relief of John Disselms.

No. 149. A bill incorporating the Portsmouth manufacturing company.

No. 150. A bill incorporating the American insurance company of Norfolk.

No. 151. A bill to renew the charter of the Falls and Winterpoc manufacturing companies.

No. 152. A bill providing more effectually for the protection of sheep in the county of Wythe.

No. 153. A bill incorporating the Gas light company of Norfolk.

No. 154. A bill for the relief of Clara Robinson.

No. 156. A bill concerning the town of Martinsburg in the county of Berkeley.

No. 162. A bill increasing the salary of the first clerk of the treasurer's office.

No. 163. A bill ratifying and confirming the sale of a portion of the capitol square by the governor to B. B. Minor; and

No. 164. A bill to incorporate the Spring hill company.

Ordered, That the clerk communicate said bills to the senate, and request their concurrence.

On motion of Mr. PANNILL,

Resolved, That the committee for courts of justice enquire into the expediency of repealing the act passed March 28th, 1848, entitled "an act reducing into one the several acts concerning wills, the distribution of intestates' estates, and the duty of executors and administrators."

No. 176. A bill authorizing the state's guarantee to certain bonds of the James river and Kanawha company, with the amendments thereto proposed by the committee of roads and internal navigation, was, on motion of Mr. SHEFFEY, laid upon the table and made the order of the day for Monday next.

No. 339. A bill to establish the Central Bank of Virginia, in the town of Staunton, with the amendments thereto proposed by the committee on banks, was taken up, and the said amendments having been agreed to, and the said bill having been further amended on motion of Mr. SHEFFEY, the same, on motion of Mr. BARBOUR, was laid upon the table and ordered to be printed.

On motion of Mr. GEORGE,

Resolved, That the committee of propositions and grievances enquire into the expediency of repealing the various acts of assembly relating to the incorporation of the town of Jeffersonville.

The following bills were read a second time, and ordered to be engrossed and third time, viz :

No. 165. A bill authorizing the county court of Wythe to increase the reward for killing wolves within said county.

No. 169. A bill allowing additional compensation to the clerk of the superior court of chancery held in Richmond.

No. 171. A bill to amend the charter of the town of Winchester in the county of Frederick.

No. 181. A bill authorizing the proprietors of the road constructed by Brightberry Brown of the county of Albemarle, under authority of an act passed the 3d January 1800, to change its location, and for other purposes.

No. 182. A bill authorizing the county court of Brooke county to rebuild the courthouse of said county, and for other purposes.

No. 185. A bill incorporating the trustees of Reedy spring academy.

No. 189. A bill to incorporate the Fincastle female seminary.

No. 190. A bill divorcing Sarah W. Williams from her husband John W. Williams.

No. 192. A bill to incorporate the Mutual fire insurance company of Loudoun county.

No. 193. A bill to change the place of holding a separate election in the county of Lewis.

No. 195. A bill providing for the extension of the provisions of the present road law of Brooke county to the counties of Tyler and Wetzel.

No. 197. A bill to legalize John H. Griffith's mill and dam in the county of Harrison.

No. 198. A bill to incorporate the Pamunkey navigation company.

No. 200. A bill authorizing the common council of the town of Alexandria, to make provision for the support of the poor of said town.

No. 201. A bill changing the time of holding the first quarterly term of the county court of Jackson.

No. 202. A bill divorcing Robert H. Mitchell from his wife Mary A.

No. 203. A bill extending the jurisdiction of the hustings court of Fredericksburg.

No. 204. A bill incorporating the trustees of Shenandale college in the county of Shenandoah ; and

No. 211. A bill concerning Watsontown in the county of Hampshire.

The following bills were read a second time, and on motions severally made, ordered to be laid upon the table, viz :

No. 194. A bill concerning the taking of oysters in York and Potomac rivers.

No. 206. A bill concerning the jurisdiction of a single justice ; and

No. 208. A bill concerning free negroes and mulattoes.

On motion of Mr. STOVALL, the report of the committee of finance upon the petition of citizens of the county of Charlotte, praying that Fenton G. North may be permitted to sell goods as a pedlar without

paying for a license, was taken up and ordered to be committed to said committee.

The following bill was read a second time, and on motion of Mr. WATSON ordered to be laid upon the table, viz :

No. 133. A bill to amend the act, entitled "an act to reduce into one the several acts concerning crimes and punishments and proceedings in criminal cases."

The following bills were also read a second time and ordered to be engrossed and read a third time :

No. 140. A bill extending the time that clerks may execute deeds to purchasers of land sold for nonpayment of taxes.

No. 141. A bill to punish frauds upon the elective franchise.

No. 144. A bill for the better protection of religious assemblies.

No. 167. A bill making persons jointly indicted competent witnesses for or against each other.

No. 168. A bill concerning constables' fees.

No. 170. A bill authorizing clerks to administer oaths when called upon to perform any official act.

No. 173. A bill to amend the act, entitled "an act concerning oysters and terrapins, and the penalties in regard to them," as far as Norfolk county is concerned.

No. 174. A bill for the prevention of depredations by boatmen navigating the James river and Kanawha company's line of improvement.

No. 175. A bill concerning the proxies of the James river and Kanawha company.

The following bills were read a second time, and on motions severally made, ordered to be laid upon the table, viz :

No. 183. A bill to amend the act, entitled "an act to reduce into one the several acts for regulating ordinaries and houses of private entertainment, and for the restraint of tippling houses."

No. 184. A bill to establish the Virginia armory school.

No. 187. A bill prohibiting the allowance of grace on bills of exchange and drafts payable at sight ; and

No. 191. A bill concerning set-offs.

No. 205. A bill to extend to machinists and workers in iron the lien given to mechanics and others for labour and materials expended in erecting or repairing houses, was read a second time, and ordered to be engrossed and read a third time.

Mr. RECTOR submitted an amendment intended to be proposed by him to the bill, entitled "a bill to amend the act incorporating the Orange and Alexandria railroad company," passed March 27th, 1848, (No. 217,) which, on his motion, was ordered to be printed.

On motion of Mr. DORMAN, the house adjourned until Monday 11 o'clock.

MONDAY, FEBRUARY 19, 1849.

Prayer by the Rev. J. PARSONS HOVEY of the Presbyterian church.
A communication from the senate by their clerk was read as follows :

IN SENATE, FEBRUARY 15, 1849.

The senate have passed the bill, entitled

"An act incorporating the Virginia cannal coal company," with an amendment, in which they request the concurrence of the house of delegates.

The said amendment being read, was agreed to, and it was ordered that the clerk inform the senate thereof.

Mr. SCOTT, from the committee for courts of justice, presented the following bills :

No. 430. A bill concerning the sergeant of the town of Lynchburg ; and

No. 431. A bill changing the time of holding the circuit superior courts of Appomattox, Charlotte and Halifax counties.

Mr. MAJOR, from the committee of propositions and grievances, presented reports upon resolutions for separate elections in the county of Taylor ; in the county of Wood ; at the house of Martin Butcher in said county ; and for authorizing the clerk of the county of Lee to convey two tracts of land to Isaac Robinett ; and upon the petitions of citizens of the counties of Randolph, Nicholas and Braxton, for a new county ; of citizens of the town of Bridgewater ; of citizens of the town of Front Royal ; of citizens of the county of Loudoun for a separate election ; of citizens of St. Bride's in the county of Norfolk, relative to William Tatem's mill ; of James Shanks, for changing the county lines of the counties of Botetourt, Alleghany and Monroe ; and upon the memorial of the general temperance assembly of Virginia ; and the following bills :

No. 432. A bill authorizing a separate election at Brucetown in the county of Frederick ; and

No. 433. A bill to incorporate the Lynchburg hose and fire insurance company.

Mr. WILLS, from the committee of roads and internal navigation, presented the following bill :

No. 434. A bill to authorize Tyre Black, of Wayne county, to establish a ferry across the Sandy river.

On motion of Mr. WALLACE,

Ordered, That leave be given to bring in a bill to establish a system of district free schools for the county of King George, and that Messrs. Wallace, Houser, Tomlin, Lacy, Basye and Segar prepare and bring in the same.

On motion of Mr. MASSEY,

Resolved, That from and after to-day, this house will meet at 10 o'clock.

On motion of Mr. CHEATHAM,

Ordered, That leave be given to bring in a bill apportioning the

school quota between the counties of Appomattox and Campbell, and that Messrs. Cheatham, Irvine of Campbell, Mitchell, Cardwell and Wootton, prepare and bring in the same.

A motion was made by Mr. HINER, that the house adopt the following resolution :

Resolved, That the SPEAKER vacate the chair at 2 o'clock to-day, and each succeeding day thereafter, to be resumed again at half past 3, until otherwise ordered.

And the question being put thereupon, was determined in the negative.

On motion of Mr. STOVALL, a report of the committee of finance upon the petition of citizens of the City of Wheeling, praying for an increase of brokers' licenses, was taken up, and ordered to be committed to said committee.

Mr. STOVALL presented a memorial of John Q. Eoff & Co. remonstrating against the petition of citizens of the City of Wheeling relative to said increase of brokers' licenses, which was ordered to be referred to said committee of finance.

On motion of Mr. LAIDLEY, ordered that the said memorial be printed for the use of the general assembly. [Doc. No. 72.]

Mr. TURNER presented a petition of William Ayres, praying to be allowed certain militia claims; which was ordered to be referred to the committee of claims.

Mr. MOORE presented a petition of sundry ladies of the county of Cabell, praying the passage of an act repealing all laws providing for granting licenses for the sale of ardent spirits, which was ordered to be referred to the committee of finance.

No. 141. An engrossed bill to punish frauds upon the elective franchise, was read a third time; thereupon, on motion of Mr. PERROW, the farther consideration thereof was indefinitely postponed.

Resolved, That said bill be rejected.

The following engrossed bills were read a third time, and on motions severally made, ordered to be laid upon the table, viz :

No. 140. A bill extending the time that clerks may execute deeds to purchasers of land sold for nonpayment of taxes.

No. 143. A bill to amend the act, entitled "an act to amend an act, entitled 'an act to amend and explain the laws concerning western land titles, and for other purposes;'" and

No. 144. A bill for the better protection of religious assemblies.

No. 122. A bill authorizing a subscription for the commonwealth to the stock of the Lynchburg and Tennessee railroad company, was taken up as the order of the day, and amended on motions made by Messrs. BOYD, STOVALL, LANCASTER and RIVES.

A motion was made by Mr. PAXTON, further to amend the same by striking out all after the words "*Be it enacted by the general assembly*," and inserting in lieu thereof the following :

"That as soon as may be, after the passage of this act, the Board of public works shall appoint a skilful and experienced engineer to survey such lines as he may deem requisite and proper for a railroad through the southwestern part of Virginia, from James river to the Tennessee

line, with two branches or stems, one from the town of Lynchburg and the other from the town of Buchanan on James river, to some common point in the county of Roanoke; and from thence by the same route to some fit point on the Tennessee line. The engineer so appointed, shall proceed forthwith to examine and survey said lines, and shall report thereon to the Board of public works, returning, with his report, proper plats and surveys of the respective lines. And as soon as may be thereafter, the Board of public works shall appoint five discreet, intelligent and disinterested freeholders, as commissioners, who shall, upon an examination of the said report and surveys, determine on and fix the point in the county of Roanoke, at which the respective branches or stems of said railroad, from the towns of Lynchburg and Buchanan, shall unite; a majority of said commissioners concurring, shall decide thereon, and they shall report their decision to the Board of public works.

"2. That it shall be lawful to open books of subscription in the town of Lynchburg, under the direction of _____; in the town of Buchanan, under the direction of _____; in the town of Salem, under the direction of _____; in the town of Christiansburg, under the direction of _____; in the town of Abingdon, under the direction of _____; and in the City of Richmond, under the direction of _____, or any two of them, and in such other place or places, under the direction of such agents or deputies as a majority of the commissioners, at either of the above named places, shall designate, for the purpose of receiving subscriptions to the amount of thirty-two thousand shares, of fifty dollars each, to constitute a joint capital stock, together with the subscription hereinafter authorized for the state, to the amount of eighty thousand shares, for the purpose of making a railroad from James river to the Tennessee line, with two branches or stems: one branch or stem from the town of Lynchburg, and the other branch or stem from the town of Buchanan on James river, to the common point in the county of Roanoke, which shall have been determined on and fixed by the commissioners aforesaid, and from said point by the most eligible common route through the southwestern part of Virginia, to some suitable point on the Tennessee line, and for providing every thing necessary for transportation on the same.

"3. Every subscriber shall, at the time of subscribing, elect to have the amount subscribed by him appropriated to that portion of the railroad extending from the Tennessee line to the point of junction in the county of Roanoke, or to that portion from said point to the town of Lynchburg, or to that portion from said point to the town of Buchanan; and the commissioners shall designate such election on the books of subscription; and whenever the Board of public works shall be satisfied by the certificate of a majority of the commissioners, at either of the places hereinbefore designated for opening books of subscription, (which certificate shall be accompanied by a list of the subscribers, and be attested by the affidavit in legal form of not less than three of the said commissioners,) that four thousand shares of the said capital stock have been subscribed for by individuals and corporations, other than

the state, who are solvent and fully able to pay, towards constructing the said first named portion of said railroad, the said board is hereby authorized and required to subscribe in like manner, on the part of the commonwealth, for six thousand shares of said capital stock, to be appropriated towards the construction of said portion; and as often thereafter as additional subscriptions shall be made in like manner to said stock, by such persons, other than the state, who are solvent and fully able to pay, and the Board of public works shall be satisfied thereof, the said board is hereby authorized and required to subscribe further, on behalf of the commonwealth, in like proportion as above to subscriptions by others than the state, until the whole amount of the capital stock required for the completion of said first named portion of said railroad, not exceeding fifty-four thousand five hundred shares in all, shall be filled up; and whenever the Board of public works shall be in like manner satisfied that seven thousand two hundred shares of said stock have been subscribed by persons solvent and fully able to pay, other than the state, for the second named portion of said railroad, the said board is hereby authorized and required to subscribe on the part of the commonwealth for ten thousand eight hundred shares thereof for said second named portion; and whenever in like manner satisfied that three thousand shares of said stock have been subscribed by persons solvent and fully able to pay, other than the state, for the last named portion of said railroad, the said board is hereby authorized and required to subscribe on the part of the commonwealth for four thousand five hundred shares thereof, for said last named portion.

"4. So soon as ten thousand shares of said stock shall have been subscribed for by others than the state, and by the Board of public works on behalf of the commonwealth, as hereinbefore directed, for constructing the first named portion of said railroad, or so soon as eighteen thousand shares of said stock shall have been so subscribed for the second named portion of said railroad, or so soon as seven thousand five hundred shares of said stock shall have been so subscribed for the last named portion of said railroad, in all or any of said events, the subscribers, their executors and administrators, successors and assigns, shall be, and they are hereby declared to be a body politic and corporate, under the name and style of the 'James River and Tennessee Railroad Company,' and shall be subject to all the provisions of the act 'prescribing certain general regulations for the incorporation of railroad companies,' passed March the eleventh, eighteen hundred and thirty-seven, and the amendments thereto.

"5. The subscriptions for the commonwealth shall be paid *pari passu* with the payment of individual subscriptions; and for the purpose of paying the subscription on the part of the commonwealth, the Board of public works is hereby authorized to borrow, on the credit of the commonwealth, from time to time, such sum or sums as may be necessary, agreeably to the provisions of the act of assembly, authorizing loans for the payment of certain subscriptions and appropriations, passed April eighth, eighteen hundred and thirty-nine: *Provided*, That the president and directors of said company shall, in no case, by sale, loan, hypothecation or other device, sell or dispose of the state stock hereby authorized at less than its par value.

"6. The Board of public works shall appoint one or more proxies for the state, who, in all meetings of the stockholders, shall vote in behalf of the commonwealth on all questions whatever, except the appointment of directors, and shall give a number of votes equal to three fifths of the whole number of votes allowed by law to all the stockholders of said company, including the state; and said board shall appoint, on behalf of the commonwealth, three of the five directors required to be appointed by the act of March eleventh, eighteen hundred and thirty-seven, hereinbefore referred to.

"7. Notwithstanding the provision contained in the third section of this act, prescribing the manner in which subscriptions shall be made, or any other provision herein contained, all the profits of said railroad, and of each and every portion thereof, shall be divided among all the stockholders of said company ratably in proportion to the stock held by them: *Provided*, That no stockholder shall be allowed to participate in the dividends until that portion of the railroad which such stockholder has elected to subscribe for, as required by the third section of this act, or some part of such portion, shall have been completed, and shall be in actual use for transportation.

"8. The stockholders of 'the Lynchburg and Tennessee railroad company,' incorporated by an act passed March twenty-fourth, eighteen hundred and forty eight, may accept the provisions of this act, in lieu of the charter granted by said act of March twenty-fourth, eighteen hundred and forty-eight; and thereupon said charter, and all the powers of said company under the same, shall be deemed to be surrendered and vacated, and said stockholders shall be held to be stockholders in 'the James river and Tennessee railroad company,' in the same manner as if they had subscribed under the provisions contained in the second and third sections of this act: *Provided*, That any such stockholder shall be at liberty to withdraw his subscription, or to elect the portion of said railroad to which the stock subscribed by him shall be applied, as required by the third section of this act: *And provided also*, That such acceptance shall be made by the stockholders of 'the Lynchburg and Tennessee railroad company,' at or before the next annual meeting of said company.

"9. That the common council of the town and corporation of Lynchburg be and they are hereby authorized and empowered by deed, bond or otherwise, under the common seal of said corporation, to guaranty the payment of six per cent. per annum interest, to her citizens and other persons subscribing for the stock of the said second named portion of the James river and Tennessee railroad company, in semiannual dividends, upon an amount not exceeding three hundred and sixty thousand dollars.

"10. That the common council of said town and corporation shall have power to contract with the citizens, stockholders and others, whose stock they may have so guaranteed at any time, when thereto required by the holder thereof, to take a transfer of the said stock over and above thirty shares, and to issue their bonds or scrip therefor, bearing an interest of six per centum per annum, payable half yearly, as for lent money, redeemable in thirty years, and afterwards at the dis-

cretion of said common council; and to hypothecate the stock so transferred as security or otherwise: *Provided always*, That the liability of said town and corporation to the stockholders and railroad aforesaid, shall in no instance exceed three hundred and sixty thousand dollars.

"11. That the said common council shall have power and authority to vote, in all the meetings of said company, upon the stocks guaranteed by them, not held by citizens or owners of real estate in the said town and corporation.

"12. That the said common council of the town and corporation of Lynchburg, shall have power and authority to assess and collect taxes upon the lands, property and persons of all persons within the town proper and the corporation for half a mile round about and beyond its present tax-paying limits for the foregoing purposes only: *Provided*, That the assessments so made shall be equal.

"13. The Richmond and Danville railroad company are hereby authorized and empowered, at the option of said company, to construct a branch of their railroad from any point on the same, to the line of the James river and Tennessee railroad, and to connect therewith at the point of junction of the branches to Lynchburg and Buchanan, or at the point of intersection with the Tennessee line, or at any intermediate place between said points, at the discretion of the Richmond and Danville railroad company.

"14. The James river and Tennessee railroad company shall not subject the Richmond and Danville railroad company to any charge for such connection; and said last named company shall have the right and privilege of running their engines and cars over the Tennessee and James river railroad, from the point of such connection to the Tennessee line, upon such terms of compensation to the James river and Tennessee railroad company, for the use of their road, and under such regulations as said companies may agree upon and establish; and in case they cannot agree, then upon such terms, and under such regulations, as the Board of public works, on the application of either of said companies, shall direct and ordain.

"15. This act shall be in force from its passage."

And the question being put upon adopting the same, was determined in the negative. Ayes 26, noes 77.

On motion of Mr. Cook, the vote was recorded as follows:

AYES—Messrs. Layne of Alleghany, Sheffey, Harrison of Brunswick, Moore, Rector, McClung, Sydnor, Thomson of Jefferson, Tomlin, Arnett, McDonald, Shepard, Coleman, Buswell, Hiner, Cackley, Rives, Harrison of Prince William, Dorman, Paxton, Martz, Harper, Pitman, Sibert, Burdett and Massey—26.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Hart, Watson, Smith, Powell, Cheatham, Mitchell, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Wills, Irvine of Campbell, Moncure of Caroline, Cardwell, Barbour, Irving of Cumberland, Vaughan, Segar, Clarke, Scott, Howard of Floyd, Stillman, Edwards, Wood, Baily, Guerrant, Carroll, Price, Stovall, Major, Allen, Hiatt, Welton, Bassel, Lancaster, Mullins, Laidley, Webb, Lane of Lee, White, Beard, Harris, Newman, Clendenin, Tanzey, Gustin, Kilby, Perrow, Robinson, Cowper, Yerby, Pannill, Turner, Syme, Townes,

Grasty, Herbert, Wootton, Goff, Strother, Mayo, Cook, Aston, Fugate, Thompson of Smyth, Griffin, Conway, Hargrave, Nicholson, George, Boyers, Goodson, Collins and Boyd—77.

On motion of Mr. Cook, the house adjourned until to-morrow 10 o'clock.

TUESDAY, FEBRUARY 20, 1849.

Prayer by the Rev. HALSEY DUNNING of the Presbyterian church.

The following communications from the senate, by their clerk; were read :

IN SENATE, FEBRUARY 17, 1849.

The senate have passed the bill, entitled

"An act changing the time of holding the circuit superior courts of the counties of Rockbridge, Nelson and Albemarle." (No. 101.)

IN SENATE, FEBRUARY 19, 1849.

The senate have passed the bill, entitled

"An act changing the time of holding the county courts of Wetzel." (No. 128.)

Mr. HARRIS, from the committee of claims, presented reports upon the petitions of Robert Whiteley, and of George Miller.

Mr. CONWAY, from the committee on banks, presented the following bills:

No. 435. A bill to incorporate the Farmers, Planters and Mechanics savings bank of Bedford.

No. 436. A bill to incorporate the Abingdon savings bank; and

No. 437. A bill to incorporate the Citizens savings bank in the town of Liberty.

Mr. WHITTLE, from the committee of schools and colleges, presented the following bill:

No. 438. A bill concerning the annual meetings of school commissioners.

Mr. CHEATHAM, according to order, presented the following bill:

No. 439. A bill to apportion the school quotas between the counties of Campbell and Appomattox.

On motion of Mr. CONWAY,

Ordered, That leave be given to bring in a bill to incorporate the Chesapeake steamboat company, and also to amend the act, entitled "an act to incorporate the Whitehall mining company;" and that Messrs. Conway, Herbert, Watson, Sheffey, Coleman, Grasty and Pannill, prepare and bring in the same.

Mr. CONWAY, according to order, subsequently presented the following bills:

No. 440. A bill to amend the act, entitled "an act to incorporate the Whitehall mining company," passed April 4th, 1848; and

No. 441. A bill to incorporate the Chesapeake steamboat company.

Mr. WALLACE, according to order, presented the following bill, which

on his motion was taken up, read the first and second times, and ordered to be engrossed and read a third time, viz :

No. 442. A bill to establish a system of district free schools for King George county.

On motion of Mr. SMITH,

Resolved, That the committee for courts of justice enquire into the expediency of more effectually securing the rights arising from the relation of master and apprentice in the county of Alexandria.

Mr. RECTOR presented a petition of citizens of the village of Salem in the county of Fauquier, asking for an act of incorporation for said village.

Mr. LAYNE of Alleghany presented a petition of citizens of the county of Botetourt and town of New Castle, praying a repeal of the law in relation to the formation of new counties.

Ordered, That said petitions be referred to the committee of propositions and grievances.

Mr. WOOTTON presented a petition of Venable, Anderson & Flournoy and James Venable & Brothers, praying that the laws requiring inspection of flour before exportation may be repealed, which was ordered to be referred to the committee on agriculture and manufactures.

A report of the committee of propositions and grievances upon the resolution for changing the time of meeting of the general assembly to the first day of January annually, was taken up on motion of Mr. BOYERS and ordered to be committed to said committee.

No. 297. A bill concerning Thomas Green, was taken up on motion of Mr. STOVALL, read the first time and ordered to be read a second time.

No. 167. An engrossed bill making persons jointly indicted competent witnesses for or against each other, was on motion of Mr. PRICE, ordered to be laid upon the table.

No. 168. An engrossed bill concerning constables' fees, was, on motion of Mr. FUGATE, ordered to be laid upon the table.

No. 169. An engrossed bill allowing additional compensation to the clerk of the superior court of chancery held in Richmond, was read a third time ; thereupon on motion of Mr. BURDETT, the farther consideration thereof was indefinitely postponed. Ayes 75, noes 28.

On motion of Mr. BURDETT, the vote thereupon was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Nock, Hart, Watson, Smith, Powell, Cheatham, Byrd, Mitchell, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Wills, Irvine of Campbell, Vaughan, Clarke, Rector, M'Clung, Howard of Floyd, Claiborne, Edwards, Wood, Bailly, Clopton, Carroll, Price, Major, Allen, Hiatt, Welton, Bassel, Wallace, Tomlin, Webb, White, Harris, Newman, Arnett, M'Donald, Shepard, Clendenin, Coleman, Tanzey, Beirne of Monroe, Gustin, Kilby, Robinson, Butt, Cowper, Buswell, Turner, Hiner, Townes, Grasty, Cackley, Fairfax, Wootton, Harrison of Prince William, Goff, Cook, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Griffin, Hargrave, Burdett, George, Boyers, Goodson and Collins—75.

NOES—Messrs. Layne of Alleghany, Sheffey, Boak, Moore, Moncure of Caroline, Lacy, Segar, Stillman, Sydnor, Guerrant, Stovall, Lancaster, Thom-

son of Jefferson, Laidley, Harrison of Loudoun, Beard, Whittle, Perrow, Yerby, Syme, Strother, Mayo, Dorman, Conway, Moncure of Stafford, Nicholson, Massey and Boyd—28.

Resolved, That said bill be rejected.

The following engrossed bills were read a third time and passed, viz:

No. 161. A bill concerning district public schools in the county of Ohio; and

No. 165. A bill authorizing the county court of Wythe to increase the reward for killing wolves within said county.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 26. The bill, entitled "an act to amend the act, passed April 4th, 1848, entitled 'an act amending the act, entitled 'an act concerning oysters and terrapins, and the penalties in regard to them,' passed March 22d, 1847, and for other purposes," with the amendment thereto proposed by the senate, was taken up on motion of Mr. SEGAR, and the said amendment was amended on his motion, and then on motion of Mr. LACY, the bill and amendment was ordered to be laid upon the table.

The following engrossed bills were also read a third time and passed, viz:

No. 170. A bill authorizing clerks to administer oaths, when called upon to perform any official act.

No. 171. A bill to amend the charter of the town of Winchester in the county of Frederick; and

No. 172. A bill declaring as exempt from taxation under the special road laws of Rockbridge county, the officers, contractors and labourers on the James river and Kanawha company's line of improvement.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 173. An engrossed bill to amend the act, entitled "an act concerning oysters and terrapins, and the penalties in regard to them, so far as Norfolk county is concerned," was read a third time; thereupon, a clause by way of rider thereto was submitted by Mr. LACY, which was read the first time and ordered to be read a second time, and then, on motion of Mr. SEGAR, the bill and rider were ordered to be laid upon the table.

No. 122. A bill authorizing a subscription for the commonwealth to the stock of the Lynchburg and Tennessee railroad company, was taken up on motion of Mr. SYME, amended on motions made by Messrs. SEGAR, BURWELL and BOYD, and as amended ordered to be engrossed and read a third time.

On motion of Mr. YERBY, the said bill, as amended, was ordered to be printed.

The SPEAKER laid before the house a communication from the governor, enclosing statements shewing the condition of the Bank of the Valley in Virginia and the Merchants and Mechanics Bank of Wheeling, on the first day of January 1849, which, on motion of Mr. PRICE, was laid upon the table and ordered to be printed. [Doc. No. 73.]

No. 123. A bill to incorporate the Covington and Ohio railroad com-

pany was taken up on motion of Mr. PRICE, read a second time, amended on his motion, and as amended, ordered to be engrossed and read a third time.

No. 124. A bill to incorporate the Blue Ridge railroad company, and for other purposes, was taken up on motion of Mr. SHEFFEY, and ordered to be engrossed and read a third time.

No. 174. An engrossed bill for the prevention of depredations by boatmen navigating the James river and Kanawha company's line of improvement, was, on motion of Mr. MARTZ, ordered to be laid upon the table.

No. 176. A bill authorizing the state's guarantee to certain bonds of the James river and Kanawha company, with the amendments thereto proposed by the committee of roads and internal navigation, was taken up on motion of Mr. LANCASTER, and the said amendments having been agreed to, the bill, as amended, was ordered to be engrossed and read a third time.

The following bills were taken up on motions severally made, read a second time, and ordered to be engrossed and read a third time, viz:

No. 159. A bill to enable the James river and Kanawha company to improve the Great Kanawha river for steamboat navigation, from the Great falls thereof to the Ohio river, and for other purposes.

No. 168. A bill making an appropriation for bridges on the Staunton and Parkersburg road.

No. 178. A bill further to provide for constructing the road from the Richlands in Tazewell to the Kentucky line; and

No. 177. A bill to complete the Sistersville and Salem turnpike road.

No. 180. A bill providing for the construction of a bridge across Powell's river on the Cumberland gap and Price's turnpike road, was taken up on motion of Mr. LANE of Lee, amended, and ordered to be engrossed and read a third time.

No. 175. An engrossed bill concerning the proxies of the James river and Kanawha company, was, on motion of Mr. IRVING of Cumberland, ordered to be laid upon the table.

No. 190. An engrossed bill divorcing Sarah W. Williams from her husband John W. Williams, was, on motion of Mr. MONCURE of Caroline, ordered to be laid upon the table.

No. 198. An engrossed bill to incorporate the Pamunkey navigation company, was read a third time and passed; thereupon, on motion of Mr. TOMLIN, the rule of the house was suspended, and the vote by which said bill was passed was reconsidered, and the vote ordering the bill to be engrossed was also reconsidered; the same was then amended, and as amended, again ordered to be engrossed.

No. 205. An engrossed bill to extend to machinists and workers in iron, the lien given to mechanics and others, for labour and materials expended in erecting or repairing houses, was on motion of Mr. SYNE, laid upon the table, and made the order of the day for to-morrow at eleven o'clock.

No. 211. An engrossed bill concerning Watsontown in the county of Hampshire, was, on motion of Mr. HIETT, ordered to be laid upon the table.

The following engrossed bills were read a third time and passed, viz :

No. 181. A bill authorizing the proprietors of the road constructed by Brightberry Brown of the county of Albemarle, under authority of an act passed the 3d January 1800, to change its location, and for other purposes.

No. 182. A bill authorizing the county court of Brooke county to rebuild the courthouse of said county, and for other purposes.

No. 185. A bill incorporating the trustees of Reedy spring academy.

No. 189. A bill to incorporate the Fincastle female seminary.

No. 192. A bill to incorporate the Mutual fire insurance company of Loudoun county.

No. 193. A bill to change the place of holding a separate election in the county of Lewis.

No. 195. A bill providing for the extension of the provisions of the present road law of Brooke county, to the counties of Tyler and Wetzel.

No. 197. A bill to legalize John H. Griffith's mill and dam in the county of Harrison.

No. 200. A bill authorizing the common council of the town of Alexandria to make provision for the support of the poor of said town.

No. 201. A bill changing the time of holding the first quarterly term of the county court of Jackson.

No. 202. A bill divorcing Robert H. Mitchell from his wife Mary A.

No. 203. A bill extending the jurisdiction of the hustings court of Fredericksburg; and

No. 204. A bill incorporating the trustees of Shenandoale college in the county of Shenandoah.

Ordered, That the clerk communicate said bills to the senate and request their concurrence.

On motion of Mr. DE CAMPS, the house adjourned until to-morrow 10 o'clock.

WEDNESDAY, FEBRUARY 21, 1849.

Prayer by the Rev. HALSEY DUNNING, of the Presbyterian church.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bills:

No. 443. A bill to declare Sancho creek, in the county of Tyler, a public highway.

No. 444. A bill concerning the debt to the Board of public works, due from the trustees of Portsmouth, on account of the purchase of the Seaboard and Roanoke railroad; and

No. 445. A bill providing for the completion of the Little Stone gap road.

Mr. STILLMAN, from the committee on enrolled bills, reported that said committee had examined sundry such bills and found them truly enrolled.

Ordered, That the clerk communicate the same to the senate for further examination.

Mr. STOVALL presented the answer of the president and directors of the Richmond, Fredericksburg and Potomac railroad company, to the memorial of George Taylor and others, asking an appropriation on the part of the state to the eastern extension of the Louisa railroad, which, on his motion, was ordered to be laid upon the table and be printed. [Doc. No. 74.]

No. 427. A bill to amend the several acts incorporating the Goose creek navigation company, was taken up on motion of Mr. HARRISON of Loudoun, read the first and second times, and ordered to be engrossed and read a third time.

On motion of Mr. DE CAMPS,

Resolved, That the committee of schools and colleges enquire into the expediency of incorporating the Nestrophian society of Bethany college.

Mr. PITTS presented the proceedings of a meeting of wool growers of the county of Ohio, relative to the protection of sheep from the depredations of dogs; also a petition of the wool growers of said county, praying the imposition of a tax on dogs.

Ordered, That the said proceedings and petition be referred to the committee on agriculture and manufactures.

Mr. PITTS also presented a petition of citizens of the City of Wheeling, praying an amendment to the law regulating the collection of the public revenue, which was ordered to be referred to the committee on finance.

Mr. ARNETT presented a petition of citizens of the county of Monroe, praying for the passage of an act incorporating a company to construct a turnpike road from some point in the county of Taylor, to Fairmont, in the county of Marion; which was ordered to be referred to the committee of roads and internal navigation.

No. 411. A bill changing the place of holding a separate election in the county of Prince George, was taken up on motion of Mr. RIVES, read the first and ordered to be read a second time.

No. 211. An engrossed bill concerning Watsonstown in the county of Hampshire, was taken up on motion of Mr. WOOD, read a third time and passed.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

No. 26. The bill, entitled "an act to amend the act passed April 4th, 1848, entitled 'an act amending the act, entitled 'an act concerning oysters and terrapins, and the penalties in regard to them, passed March 22d, 1847, and for other purposes,' " with the amendment thereto proposed by the senate, as amended on yesterday, was taken up on motion of Mr. SEGAR, and an amendment thereto was proposed by Mr. LACY, which was disagreed to.

A motion was made by Mr. SHEPARD that the further consideration of said bill be indefinitely postponed, and it was determined in the negative. Ayes 37, noes 63.

On motion of Mr. LACY the vote thereupon was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Watson, Cheatham, De Camps, Moore, Moncure of Caroline, Lacy, Vaughan, Rector, Howard of Floyd, Sull-

man, Edwards, Clopton, Carroll, Allen, Lancaster, Tomlin, Webb, Lane of Lee, Harris, Newman, Shepard, Clendenin, Tanzey, Beirne of Monroe, Turner, Syme, Cackley, Rives, Harrison of Prince William, Paxton, Martz, Harper, Griffin, Hargrave and Nicholson—37.

NOES—Messrs. Layne of Alleghany, Powell, Sheffey, Byrd, Mitchell, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, Harrison of Brunswick, Wills, Irvine of Campbell, Cardwell, Jones, Segar, M'Clung, Claiborne, Wood, Sydnor, Baily, Guerrant, Price, Stovall, Major, Hiatt, Darracott, Welton, Bassel, Howard of James City, York and Williamsburg, Wallace, White, Beard, Arnett, M'Donald, Coleman, Barnett, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Baeye, Pitts, Hiner, Townes, Grasty, Fairfax, Herbert, Wootton, Goff, Mayo, Dorman, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Burdett, George, Massey, Goodson, Collins and Boyd—63.

The said amendment, as amended, was then agreed to, and it was ordered that the clerk inform the senate thereof, and request their concurrence in the said amendment.

No. 205. An engrossed bill to extend to machinists and workers in iron, the lien given to mechanics and others, for labour and materials expended in erecting or repairing houses, was read a third time; thereupon, a clause, by way of ryder thereto, was submitted by Mr. SYME, which was twice read, amended on motion of Mr. BOOTH, and as amended, ordered to be engrossed and read a third time; a motion was then made by Mr. IRVING of Cumberland that the rule of the house be suspended, for the purpose of reconsidering the vote ordering said bill to be engrossed, and it was determined in the affirmative; and on his motion the bill was ordered to be committed to the committee for courts of justice.

On motion of Mr. ROBINSON,

Resolved, That a committee be appointed to wait on Col. M. M. Payne, and inform him that the sword heretofore voted to him by the legislature, will be presented in the hall of the house of delegates on the 22d instant, at one o'clock, by his Excellency J. B. FLOYD, governor of Virginia, and that they attend him to the hall for that purpose.

And a committee was appointed of Messrs. Robinson, Buswell, Dorman, Pitts, Tomlin and Guerrant.

No. 122. An engrossed bill authorizing a subscription for the commonwealth to the stock of the Virginia and Tennessee railroad company, was read a third time, and on motion of Mr. YERBY, laid upon the table and made the order of the day for Friday at 11 o'clock.

No. 190. An engrossed bill divorcing Sarah W. Williams from her husband John W. Williams, was taken up on motion of Mr. HOUSER, read a third time and passed.

Ordered, That the clerk communicate said bill to the senate and request their concurrence.

No. 408. A bill providing for the erection of a monument to Washington, was taken up on motion of Mr. WHITTLE, read the second time, and ordered to be engrossed and read a third time, and made the order of the day for to-morrow 10 o'clock.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bill:

No. 446. A bill to aid the Chesapeake and Ohio canal company in certain repairs of their work.

A report of the committee on the subject of a convention to amend the constitution of the state, was taken up and read as follows:

The select committee appointed under a resolution of this house, directing them "to enquire into the expediency of reporting a bill providing for taking the sense of the people of the commonwealth upon the call of a convention to amend the constitution of the state," have, according to order, had the same under consideration, and beg leave to report, that a majority of said committee are of opinion that it is inexpedient to report such a bill.

A motion was made by Mr. LANE of Lee to commit the same, with instructions to the committee to report bill No. 23 of the session of 1844-5, so amended as to provide for taking the sense of the people upon the propriety of calling a convention to amend the constitution of the state at their annual elections in the year 1850.

On motion of Mr. STOVALL, the said report and motion were laid upon the table.

The following bills were read the first time, and ordered to be read a second time, viz:

No. 212. A bill to incorporate the Winchester and Harper's Ferry telegraph company.

No. 213. A bill to incorporate the Philippi and Buckhannon turnpike company.

No. 214. A bill to amend the act passed March 10th, 1847, incorporating the Monongahela navigation company.

No. 215. A bill concerning the Berryville and Charlestown turnpike company.

No. 216. A bill to amend the act passed March 25th, 1848, incorporating the Kingwood and West Union turnpike company.

No. 217. A bill to amend the act incorporating the Orange and Alexandria railroad company, passed March 27th, 1848.

No. 218. A bill increasing the compensation of the commissioner of the City of Richmond.

No. 219. A bill to incorporate the Blacksburg savings institution in the county of Montgomery.

No. 220. A bill to extend the charter of the Franklin society and library company of Lexington.

No. 221. A bill releasing to Washington Skelton a certain fine imposed by the circuit superior court of law and chancery for King & Queen county.

No. 222. A bill concerning John E. Baker, adjutant of the 25th regiment of militia.

No. 223. A bill concerning the heirs and distributees of John Woodsides deceased.

No. 224. A bill authorizing the county court of Chesterfield to reassess the lands of the Creek company of colliers.

No. 225. A bill concerning George W. Snelling, deputy of W. W. Hancock, sheriff of Chesterfield county.

No. 226. A bill to incorporate the Rapid Ann mining and manufacturing company.

No. 227. A bill to incorporate the Fluvanna gold mining company.

No. 228. A bill incorporating the Northeast gold mining company.

No. 229. A bill to incorporate the Spottsylvania gold mining company.

No. 230. A bill changing the name of the Striderian manufacturing company.

No. 231. A bill to incorporate the Pocahontas savings bank.

No. 232. A bill establishing and regulating rates of pilotage in certain waters of Virginia; and

No. 233. A bill providing for taking the sense of the citizens of Middlesex county, upon the removal of the seat of justice for said county.

A report of the committee for courts of justice, upon the petition of Esther Maria Lewis, praying for authority to exchange a small quantity of real estate, was, on motion of Mr. MASSEY, ordered to be committed to the said committee.

The following report of the same committee was read and agreed to :

The committee for courts of justice have, according to order, had under consideration the resolution, "to enquire into the expediency of reconciling the laws of this commonwealth with the provisions of our state constitution, so as to extend and secure the right of voting to *all* white male citizens aged twenty-one years and upwards, who are housekeepers and heads of families;" and ask to be discharged from the further consideration thereof.

The following reports of the committee of schools and colleges were read and agreed to :

The committee of schools and colleges have considered the petition to them referred, of Nancy A. Daily, of the county of Smyth, praying payment of her accounts, amounting to \$36 60, for the tuition of poor children in 1841, out of funds in the hands of the treasurer of the school commissioners of said county; and the committee have come to the following resolution thereupon :

Resolved, That the prayer of the said petition be rejected.

The committee of schools and colleges have, according to order, enquired into the expediency of reporting bill No. 199, of the last session, loaning to the seminary at Weston, in the county of Lewis, the proceeds of the sales of forfeited and delinquent lands in said county; and the committee have come to the following resolution :

Resolved, That it is inexpedient to report the said bill.

On motion of Mr. TURNER, the house adjourned until to-morrow 10 o'clock.

THURSDAY, FEBRUARY 22, 1849.

Prayer by the Rev. STEPHEN TAYLOR, of the Presbyterian church.
A communication from the senate, by their clerk, was read as follows :

IN SENATE, FEBRUARY 19, 1849.

The senate have passed the bills, entitled

"An act releasing to James Cornwell, the payment of a certain fine."
(No. 118.)

"An act concerning precinct elections in the counties of Highland, Rockingham and Patrick." (No. 148.)

"An act to incorporate the Hardy county savings bank, and for other purposes." (No. 186.)

"An act to regulate the forfeiture of undrawn school quotas to the Literary fund," (No. 188;) and

"An act concerning precinct elections in the counties of Highland, Albemarle and Putnam." (No. 147.)

Mr. COWPER, from the select committee, presented a report in reference to the defence of Craney Island, in this state, when attacked by the British forces, on the 22d of June 1813; which, on motion of Mr. LACY, was laid upon the table, and 2000 copies thereof were ordered to be printed. [Doc. No. 75.]

On motion of Mr. WHITE,

Resolved, That the committee for courts of justice be instructed to enquire into the expediency of so amending the act, entitled "an act limiting real actions and right of entry," passed February 5th, 1831, as to extend the time in which writs of right and other actions possessory may be maintained by persons who were minors, or labouring under other disabilities at the time their right of titles accrued.

Mr. STROTHER presented a document to sustain the petition of J. B. Harrison for a divorce, which was ordered to be referred to the committee for courts of justice.

Mr. KILBY presented a petition of citizens of the county of Nansemond, for the passage of an act for the protection of oysters in said county, which was ordered to be referred to a committee of Messrs. Kilby, Cowper, Segar, Butt, Jones and Goff.

Mr. GEORGE presented a petition of citizens of the town of Jeffersonville, praying a repeal of the several acts incorporating said town, which was ordered to be referred to the committee of propositions and grievances.

No. 140. An engrossed bill extending the time that clerks may execute deeds to purchasers of land sold for nonpayment of taxes, was taken up on motion of Mr. PRICE; thereupon the rule of the house was suspended and the vote ordering said bill to be engrossed was reconsidered; the same was then amended on his motion, and as amended ordered to be engrossed and read a third time.

No. 408. An engrossed bill providing for the erection of a monument to Washington, was taken up and read a third time; thereupon a clause by way of rider thereto was submitted by Mr. THOMAS, which was read twice and forthwith engrossed and read a third time; and the question being put upon the passage of the bill and rider, it was decided in the affirmative, *unanimously*.

Ordered, That Mr. THOMAS carry the same to the senate and request their concurrence.

On motion of Mr. LACY,

Ordered, That leave be given to bring in a bill to authorize Braxton Garlick, of the county of New Kent, to construct a wharf on his land, on Pamunkey river in New Kent county, at his expense, and that Messrs. Lacy, Segar, Shepard, Clarke, Lancaster and Darracott, prepare and bring in the same.

A further communication from the senate by their clerk was read as follows:

IN SENATE, FEBRUARY 22, 1849.

The senate have passed unanimously the bill, entitled

"An act providing for the erection of a monument to Washington." (No. 408.)

On motion of Mr. SYME,

Resolved, That the senate be informed that the sword voted by the general assembly at its session in 1846-7, to Lieut. Col. Matthew M. Payne, will be presented this day at one o'clock, in the hall of the house of delegates, by his excellency the governor, and they are hereby respectfully invited to be present at the presentation.

Ordered, That Mr. SYME inform the senate thereof.

At one o'clock the senate, preceded by their speaker, entered the hall and took the seats prepared for them.

Mr. ROBINSON introduced to the house Col. Payne, who was addressed by the SPEAKER, and then his excellency John B. Floyd delivered the sword voted by the state, preceding the presentation with an appropriate address.

On motion of Mr. STOVALL, the house adjourned until to-morrow 10 o'clock.

FRIDAY, FEBRUARY 23, 1849.

Prayer by the Rev. J. PARSONS HOVEY of the Presbyterian church.
A communication from the senate by their clerk was read as follows:

IN SENATE, FEBRUARY 20, 1849.

The senate have passed the bill, entitled

"An act authorizing a separate election at the tavern-house of Benjamin W. Shelly in the county of Dinwiddie." (No. 116.)

Mr. CHEATHAM, from the committee of claims, presented the following bill:

No. 447. A bill for the relief of William W. Jones of the county of Spottsylvania.

Mr. KILBY, according to order, presented the following bill:

No. 448. A bill concerning oysters in Nansemond county.

Mr. JONES, from the committee of propositions and grievances, presented a report upon the resolution for changing and fixing the time of meeting of the general assembly; and the following bills:

No. 449. A bill to authorize a separate election at Rocklick school-house in the county of Marshall.

No. 450. A bill to take the sense of the citizens of Wayne county upon the removal of the seat of justice of said county; and

No. 451. A bill to incorporate the Lynchburg female orphan asylum.

Mr. STOVALL, from the committee of finance, presented the following bills:

No. 452. A bill increasing the compensation of the commissioner of the revenue for the upper district in the county of Nansemond; and

No. 453. A bill to pay the clerk and committee of revisal.

On motion of Mr. STOVALL, the said last bill was taken up, read the first, and ordered to be read a second time, and then laid upon the table.

Mr. LACY, according to order, presented the following bill:

No. 454. A bill to authorize Braxton Garlick of the county of New Kent to construct a wharf on the Pamunkey river.

On motion of Mr. PRICE,

Ordered, That leave be given to withdraw the petition and remonstrance against it, of citizens of the county of Kanawha, relative to the free school system for said county, presented at the present session of the general assembly.

Mr. BEARD presented a petition of citizens of the county of Loudoun, for an amendment of the act providing more effectually for the protection of sheep in the county of Loudoun, which was ordered to be referred to the committee on agriculture and manufactures.

Mr. THOMAS presented a petition of Nancy Peyton, praying to be divorced from her husband Valentine Peyton, which was ordered to be referred to the committee for courts of justice.

Mr. M'CLUNG presented a petition of the Giles, Fayette and Kanawha turnpike company, asking a subscription by the state to the stock of said company, which, on his motion, was ordered to be laid upon the table.

No. 142. A bill to amend an act, entitled "an act providing for the collection of claims against the owners of steamboats and other craft navigating the Ohio river and its tributaries within this commonwealth," passed March 4th, 1846, was read a second time; thereupon, on motion of Mr. PRICE, the farther consideration thereof was postponed indefinitely.

Resolved, That said bill be rejected.

No. 136. A bill to prohibit the taking of fish with seines or nets by nonresidents, in the Great and Little Kanawha rivers and their tributaries, or in the Ohio or its tributaries within the jurisdiction of this state; and

No. 139. A bill to provide for the extension of the Moorfield and North branch turnpike road, were severally read the second time, and ordered to be engrossed and read a third time.

No. 179. A bill to incorporate the Moorfield and Alleghany turnpike company, was read a second time, amended on motions of Mr. HINER and Mr. WELTON, and as amended, ordered to be engrossed and read a third time.

No. 122. An engrossed bill authorizing a subscription for the commonwealth to the stock of the Virginia and Tennessee railroad company, was taken up as the order of the day; and the same being under consideration,

On motion of Mr. PRICE, the house adjourned until to-morrow 10 o'clock.

SATURDAY, FEBRUARY 24, 1849.

Prayer by the Rev. STEPHEN TAYLOR of the Presbyterian church.

Mr. ROBERT M. HUDSON, the delegate elected from the county of Botetourt to supply the vacancy occasioned by the death of JOHN W. THOMPSON, was qualified and took his seat.

A communication from the senate, by their clerk, was read as follows:

IN SENATE, FEBRUARY 21, 1849.

The senate have passed the bills, entitled

"An act divorcing Henry Biddle from his wife Delana." (No. 127.)

"An act for the relief of John Disselms." (No. 145.)

"An act ratifying and confirming the sale of a portion of the capital square by the governor to B. B. Minor." (No. 163.)

"An act concerning the town of Martinsburg in the county of Berkeley." (No. 156.)

"An act authorizing the county court of Brooke county to rebuild the courthouse of said county, and for other purposes, (No. 182;) and

"An act incorporating the trustees of Shenandale college in the county of Shenandoah." (No. 204.)

They have also passed the bills, entitled

"An act concerning the tobacco trade in the town of Alexandria." (No. 91.)

"An act for the incorporation of the Sharon cemetery company." (No. 134.)

"An act incorporating the Thornrose cemetery company at the town of Staunton." (No. 135.)

"An act providing more effectually for the protection of sheep in the county of Wythe, (No. 152;) and

"An act changing the time of holding the first quarterly term of the county court of Jackson," (No. 201,) with amendments, in which they request the concurrence of the house of delegates.

And they have postponed indefinitely the bill, entitled

"An act authorizing Nicholas Cleary to sell the slave of his infant-son, Thomas Reilly Cleary." (No. 129.)

They have also postponed indefinitely the resolution for granting arms to the Richmond Fayette artillery.

The said amendments being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

Mr. WATSON, from the committee for courts of justice, presented the following bill:

No. 455. A bill concerning masters and apprentices in the county of Alexandria.

Mr. CHEATHAM, from the committee of claims, presented the following bill:

No. 456. A bill concerning William Ayres of the county of Patrick.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bills:

No. 457. A bill to authorize a further subscription for the commonwealth to the capital stock of the Fauquier and Alexandria turnpike company ; and

No. 458. A bill concerning the bridge across Jackson's river at Covington.

On motion of Mr. LAYNE of Alleghany,

Ordered, That said committee be discharged from the consideration of the petition of citizens of the county of Brooke, relative to the formation of a new road district in said county, and that the same be laid upon the table.

Mr ROBINSON, according to order, presented the following bill :

No. 459. A bill to aid the Norfolk seaman's friend society.

Mr. FERGUSON, according to order, presented the following bill :

No. 460. A bill concerning western land titles, and for other purposes ; which, on his motion, was read the first and ordered to be read a second time.

On motion of Mr. SHEFFEY,

Ordered, That leave be given to bring in a bill to incorporate the Wesleyan female institute, in the town of Staunton, and that Messrs. Sheffey, Watson, White, Bassell and Welton, prepare and bring in the same.

On motion of Mr. WATSON,

Ordered, That leave be given to bring in a bill conferring additional powers on the trustees of the town of Charlottesville, in the county of Albemarle, and that Messrs. Watson, Hart, Cowper, Ferguson, Sheffey and Thomas prepare and bring in the same.

Mr. WATSON subsequently, according to order, presented the following bill :

No. 461. A bill conferring additional powers on the trustees of the town of Charlottesville.

On motion of Mr. MARTZ,

Resolved, That the committee on roads and internal navigation be instructed to enquire into the expediency of incorporating a company to construct a railroad from Alexandria, through Manassa's gap, in the Blue Ridge, to Harrisonburg, in the county of Rockingham, to be styled the Alexandria and Harrisonburg railroad company.

On motion of Mr. WILLS,

Resolved, That the committee for courts of justice enquire into the expediency of amending the first section of the act passed the 22d of January 1846, concerning proceedings at rules, &c., so as to provide that where the session of any circuit superior court of law and chancery now commences on the first Monday in any month, or on any day between the first day and the first Monday in any month, the last Monday in the next preceding month shall be a rule day for such court, instead of the first Monday, as now prescribed by law.

Mr. MAYO presented a memorial of the citizens of Richmond and masters of vessels trading on James river, remonstrating against the passage of the bill now before the house, concerning pilotage ; which was ordered to be laid upon the table.

Mr. PRICE presented a memorial of citizens of the county of Kana-

wha, remonstrating against the proposition for locking and damming the Kanawha river; which was ordered to be laid upon the table.

Mr. MARTZ presented a memorial of citizens of the counties of Rockingham and Shenandoah, remonstrating against the appropriation of one thousand dollars for the construction of a road through the Persimmon gap, in the North mountain, and praying that said appropriation may be applied to the completion of a road across said mountain, towards the town of Franklin, in the county of Pendleton, and for the completion of a road across the same mountain in the direction of Moorfield, in the county of Hardy.

Mr. WORTHINGTON, a petition of citizens of the county of Jefferson, for a subscription on behalf of the state to a bridge over the Potomac river, at Shepherdstown in said county.

Ordered, That said petitions be referred to the committee of roads and internal navigation.

No. 427. An engrossed bill to amend the several acts incorporating the Goose creek navigation company, was taken up, on motion of Mr. HARRISON of Loudoun, read a third time and passed.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

No. 122. An engrossed bill authorizing a subscription for the commonwealth to the stock of the Lynchburg and Tennessee railroad company, was taken up; and the same being under consideration,

On motion of Mr. Goodson, the house adjourned until Monday 10 o'clock.

MONDAY, FEBRUARY 26, 1849.

Prayer by the Rev. JAMES SOWDEN, of the Baptist church.

A communication from the senate by their clerk was read as follows :

IN SENATE, FEBRUARY 23, 1849.

The senate have passed the bills, entitled

"An act concerning district public schools in the county of Ohio." (No. 161.)

"An act authorizing the county court of Wythe to increase the reward for killing wolves within said county." (No. 165.)

"An act declaring as exempt from taxation, under the special road laws of Rockbridge county, the officers, contractors and labourers on the James river and Kanawha company's line of improvement." (No. 172.)

"An act incorporating the trustees of Reedy Spring academy." (No. 185.)

"An act to change the place of holding a separate election in the county of Lewis." (No. 193.)

"An act providing for the extension of the provisions of the present road law of Brooke county, to the counties of Tyler and Wetzel," (No. 195;) and

"An act divorcing Robert H. Mitchell from his wife Mary A." (No. 202.)

They have also passed the bills, entitled

"An act for the relief of Harry Parker." (No. 111.)

"An act appointing commissioners to select a site for the seat of justice for the county of Grayson, and for confirming or rejecting the same by the vote of the people." (No. 138.)

"An act incorporating the American insurance company of Norfolk." (No. 150.)

"An act to revive the charter of the Falls and Winterpoc manufacturing companies." (No. 151.)

"An act to incorporate the Spring Hill company." (No. 164.)

"An act to amend the charter of the town of Winchester in the county of Frederick," (No. 171;) and

"An act to incorporate the Fincastle female seminary," (No. 189,) with amendments, in which they request the concurrence of the house of delegates.

The said amendments being read, were severally agreed to, except the amendment to the said last bill amended.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. STOVALL, the said last bill and proposed amendment were ordered to be laid upon the table.

Mr. JONES, from the committee of propositions and grievances, presented a report upon the petition of citizens of the town of Weaversville in the county of Fauquier; and the following bill:

N6. 462. A bill to incorporate the Union Hotel company in the town of Winchester, in the county of Frederick.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bills:

No. 463. A bill incorporating the Junction Valley turnpike company.

No. 464. A bill amending an act to incorporate the Smith's river navigation company, passed March 24, 1848; and

No. 465. A bill to incorporate the Alexandria and Valley railroad company.

On motion of Mr. LAYNE of Alleghany, the said last bill was read the first and ordered to be read a second time.

On motion of Mr. LAYNE of Alleghany, the committee of roads and internal navigation was discharged from the consideration of the resolution, proposing a reorganization of the Board of public works, and the said resolution was ordered to be laid upon the table.

Mr. HART, from the committee of schools and colleges, presented the following bill:

No. 466. A bill incorporating the Nestrophian society of Bethany college.

Mr. SHEFFET, according to order, presented the following bill:

No. 467. A bill to incorporate the Wesleyan female institute, in the town of Staunton.

On motion of Mr. ROBINSON,

Ordered, That leave be given to bring in a bill incorporating the

Franklin savings bank of Norfolk City, and that Messrs. Robinson, Kilby, Herbert, Butts, Finney, Cowper and Boykin, prepare and bring in the same.

On motion of Mr. WORTHINGTON,

Resolved, That a committee be appointed to enquire into the expediency of amending the act, passed February 14th, 1846, entitled "an act to incorporate the Harper's Ferry and Shenandoah manufacturing company."

And a committee was appointed of Messrs. Worthington, Boak, Harper, Pitman, Price and Mitchell.

Mr. KYLE presented a petition of George Hocker and others, asking the repeal of the laws requiring flour to be inspected before exportation.

Mr. PITTS, a petition of citizens of the county of Ohio, praying that a tax of one cent per head may be levied upon sheep kept and owned in said county.

Ordered, That the said petitions be referred to the committee on agriculture and manufactures.

Mr. LAIDLEY presented a petition of citizens of the county of Putnam, for the passage of an act incorporating the Buffalo academy in said county, which was ordered to be referred to the committee of schools and colleges.

Mr. IRVINE of Campbell presented a petition of the Independent Order of Odd Fellows, and of the Pendleton and Abner Clopton Division of Sons of Temperance, praying the passage of an act incorporating said societies, with the right to purchase and hold a limited amount of real estate in the town of Lynchburg, which was ordered to be referred to the committee of propositions and grievances.

Mr. PANNILL presented a petition of the Piedmont mining company, praying an amendment of their charter, passed in 1834, which, on his motion, was ordered to be referred to a committee of Messrs. Pannill, Barbour, Watson, Irvine of Campbell, Kilby and Sydnor.

Mr. GOFF presented a petition of Henry C. Moore, praying to be divorced from his wife Elizabeth C. Moore, which was ordered to be referred to the committee for courts of justice.

No. 173. An engrossed bill to amend the act, entitled "an act concerning oysters and terrapins and the penalties in regard to them," so far as Norfolk county is concerned, was taken up on motion of Mr. SEGAR, and the ryder which was under consideration on the 20th instant, was amended on motion of Mr. COWPER, and as amended, forthwith engrossed and read a third time, and the bill and ryder were passed.

On motion of Mr. COWPER, the title was amended, and as amended agreed to as follows: "An act to amend the act, entitled 'an act concerning oysters and terrapins and the penalties in regard to them,' so far as Norfolk and Princess Anne counties are concerned."

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

No. 194. A bill concerning the taking of oysters in York and Poquosin rivers, was taken up on motion of Mr. HOWARD of Williamsburg, read a second time, amended on his motion, and as amended, ordered to be engrossed and read a third time.

No. 122. An engrossed bill authorizing a subscription for the commonwealth to the stock of the Lynchburg and Tennessee railroad company, was taken up and considered; a motion was then made by Mr. PAXTON that the same be laid upon the table and made the order of the day for to-morrow at 11 o'clock; and the question being put thereupon, was determined in the negative. Ayes 54, noes 62.

On motion of Mr. PAXTON, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Nock, Layne of Alleghany, Boisseau, M'Cue, Hudson, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Thomas, Rector, Stillman, Edwards, Wood, Sydnor, Clopton, Guerrant, Maclin of Greenville, Stovall, Major, Allen, Darracott, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Harris, Newman, M'Donald, Clendenin, Yerby, Pitts, Pannill, Buswell, Turner, Hiner, Townes, Grasty, Cackley, Wootton, Rives, Harrison of Prince William, Dorman, Paxton, Harper, Pitman, Sibert, Griffin, Hargrave, Burdett, Boyers, Massey and Collins—54.

NOES—Messrs. Finney, Hart, Watson, Smith, Powell, Cheatham, Sheffey, Mitchell, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, Kyle, Wills, Irvine of Campbell, Lacy, Jones, Barbour, Irving of Cumberland, Segar, Clarke, Scott, Howard of Floyd, Claiborne, Bailly, Carroll, Price, Welton, Bassel, Lancaster, Boykin, Laidley, Houser, Webb, Lane of Lee, Ferguson, White, Shepard, Coleman, Tanzey, Beirne of Monroe, Barnett, Gustin, Kilby, Perrow, Robinson, Butt, Cowper, Basye, Booth, Syme, Herbert, Goff, Strother, Mayo, Cook, Aston, Fugate, Thompson of Smyth, George, Goodson, Harvey and Boyd—62.

The question recurred upon the passage of the bill; thereupon Mr. CLAIBORNE demanded that the main question be now put, and it was sustained by the house; and the question being put upon its passage, was determined in the negative. Ayes 60, noes 65.

On motion of Mr. BASSEL, the vote thereupon was recorded as follows:

AYES—Messrs. Hart, Watson, Smith, Powell, Cheatham, M'Cue, Sheffey, Mitchell, Burwell, Byrne of Braxton, Lewis and Gilmer, Kyle, Wills, Irvine of Campbell, Barbour, Irving of Cumberland, Segar, Thomas, Howard of Floyd, Stillman, Claiborne, Bailly, Guerrant, Carroll, Price, Darracott, Welton, Bassel, Lancaster, Worthington, Laidley, Lane of Lee, Ferguson, White, Beard, Clendenin, Tanzey, Beirne of Monroe, Barnett, Perrow, Robinson, Cowper, Basye, Booth, Pitts, Pannill, Syme, Townes, Grasty, Fairfax, Goff, Strother, Mayo, Cook, Aston, Fugate, Thompson of Smyth, Conway, George, Goodson and Boyd—60.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Layne of Alleghany, Boisseau, Byrd, Boak, Hudson, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Lacy, Cardwell, Jones, Vaughan, Clarke, Rector, M'Clung, Edwards, Wood, Sydnor, Clopton, Maclin of Greenville, Stovall, Major, Allen, Boykin, Howard of James City, York and Williamsburg, Thomson of Jefferson, Wallace, Houser, Webb, Harrison of Loudoun, Harris, Newman, Shepard, Coleman, Whittle, Gustin, Kilby, Butt, Yerby, Buswell, Turner, Hiner, Cackley, Herbert, Wootton, Rives, Harrison of Prince William, Dorman, Paxton, Martz, Harper, Pitman, Sibert, Griffin, Moncure of Stafford, Hargrave, Burdett, Boyers, Massey, Harvey and Collins—65.

Resolved, That said bill be rejected.

No. 453. A bill to pay the clerk and committee of revisal, was taken up on motion of Mr. STOVALL, and a motion to amend the same was submitted by him, and being under consideration,

On motion of Mr. STOVALL, the house adjourned until to-morrow 10 o'clock.

TUESDAY, FEBRUARY 27, 1849.

Prayer by the Rev. JEREMIAH B. JETER, of the Baptist church.

A communication from the senate, by their clerk, was read as follows:

IN SENATE, FEBRUARY 24, 1849.

The senate have passed the bill, entitled

"An act releasing to Reuben Davis, sheriff of the county of Hampshire, the amount of certain damages recovered against him in the general court." (No. 53.)

They have also passed the bills, entitled

"An act concerning the jurisdiction of the mayor's court of the City of Richmond," (No. 90;) and

"An act providing for taking the sense of the citizens of Wirt county upon the selection of a site for the seat of justice thereof," (No. 72,) with amendments, in which they request the concurrence of the house of delegates.

They have postponed indefinitely the bill, entitled

"An act authorizing three justices to constitute a court." (No. 64.)

And they have agreed to the amendment proposed by the house of delegates to their amendment to the bill, entitled "an act to amend the act passed April 4th, 1848, entitled 'an act concerning oysters and terrapins, and the penalties in regard to them,' passed March 22d, 1847, and for other purposes," with an amendment, in which they request the concurrence of the house of delegates.

The said amendments to the several bills amended being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

The said amendment proposed by the senate to the amendment proposed by the house to the senate's amendment to the bill, entitled "an act to amend the act passed April 4th, 1848, entitled 'an act concerning oysters and terrapins, and the penalties in regard to them,' passed March 22d, 1847, and for other purposes," being read, was also agreed to.

Ordered, That the clerk inform the senate thereof.

Mr. STOVALL, from the committee of finance, presented the following bill:

No. 468. A bill authorizing the county court of Prince William to reassess the land now owned by Richard C. Mackall, on which the Sudley mills are situated.

Mr. COOK presented a petition of sundry millers of the county of Roanoke, for a repeal of the acts relating to the inspection of flour, which, on his motion, was referred to the committee on agriculture and manufactures, with instructions to examine the merits of the petition.

Mr. FAULKNER, from the committee on the library, presented a bill in lieu of the nineteenth chapter of the Civil Code, relative to the duties of the secretary of the commonwealth, and concerning the state library and the library of the court of appeals at Lewisburg, which, on his motion, was ordered to be referred to the committee on revision.

Mr. HART, according to order, presented the following bill:

No. 469. A bill to incorporate the Buffalo academy in the county of Putnam.

Mr. ROBINSON, in like manner, presented the following bill:

No. 470. A bill to incorporate the Franklin savings bank of the City of Norfolk.

On motion of Mr. SHEFFEY, the report of the committee for courts of justice rejecting the petition of Ferdinand S. Heiskill, asking to be divorced from his wife, was taken up, and ordered to be committed to the same committee.

Mr. SHEFFEY presented a document to support the said petition, which was ordered to be referred to the same committee.

A motion was made by Mr. CLAIBORNE, that the house adopt the following resolution:

Resolved, That with the consent of the senate, when this house adjourns on Monday the 5th of March, it adjourns to meet on the 28th day of May next.

A motion was then made by Mr. HERBERT to amend the said resolution by striking out the word "fifth," and inserting in lieu thereof the word "twelfth."

On motion of Mr. FERGUSON, the further consideration of the said resolution and proposed amendment was indefinitely postponed. Ayes 62, noes 50.

On motion of Mr. CLAIBORNE the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Hart, Watson, Smith, Layne of Alleghany, Powell, M'Cue, Sheffey, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Wills, Moncure of Caroline, Lacy, Jones, Irving of Cumberland, Segar, Rector, M'Clung, Stillman, Wood, Clopton, Carroll, Price, Welton, Bassel, Lancaster, Mullins, Howard of James City, York and Williamsburg, Worthington, Laidley, Wallace, Lane of Lee, Ferguson, White, Beard, Arnett, M'Donald, Clendenin, Beirne of Monroe, Perrow, Robinson, Cowper, Pannill, Buswell, Hiner, Syme, Cackley, Fairfax, Goff, Strother, Mayo, Cook, Martz, Harper, Pitman, Sibert, Burdett, George, Harvey, Collins and Boyd—62.

NOES—Messrs. Finney, Nock, Boisseau, Cheatham, Byrd, Mitchell, Faulkner, Hudson, Kyle, Cardwell, Barbour, Clarke, Thomas, Howard of Floyd, Claiborne, Edwards, Sydnor, Baily, Guerrant, Stovall, Major, Allen, Boykin, Thomson of Jefferson, Houser, Webb, Harris, Newman, Shepard, Tanzey, Barnett, Butt, Yerby, Pitts, Turner, Townes, Grasty, Herbert, Wootton, Rives, Harrison of Prince William, Paxton, Aston, Fugate, Thompson of Smyth, Griffin, Hargrave, Boyers, Massey and Goodson—50.

Mr. PANNILL, according to order, presented the following bill :

No. 471. A bill amending the charter of the Piedmont mining company.

Mr. STOVALL, from the committee of finance, reported the following bill :

No. 472. A bill to amend an act providing for the erection of a monument to Washington, which was read the first and second times, and ordered to be engrossed and read a third time.

On motion of Mr. MONCURE of Caroline,

Ordered, That leave be given to bring in a bill to amend and explain an act passed 29th January 1829, entitled "an act appointing trustees of the town of Port Royal in the county of Caroline," and that Messrs. Moncure of Caroline, Cowper, Thomas, Harris and Lacy prepare and bring in the same.

Mr. FERGUSON presented a petition of citizens of the county of Wayne, praying a change in the boundary lines between the counties of Wayne and Cabell, which was ordered to be referred to the committee of propositions and grievances.

A report of the committee for courts of justice was read as follows :

The committee for courts of justice have, according to order, enquired into the expediency of passing a law, giving to the circuit superior courts of law and chancery of this commonwealth, concurrent jurisdiction with the county courts over all sums over twenty dollars : Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to change the law as proposed.

The said resolution was agreed to, an unsuccessful motion having been made by Mr. HOWARD of Williamsburg to amend the same, so as to reverse the decision of the committee.

A further report of said committee was read and agreed to as follows :

The committee for courts of justice have, according to order, enquired into the expediency of amending so much of the 41st section of the act concerning wills, &c., as authorizes the continuance of a suit against an executor or administrator defendant, after their fiduciary powers are revoked, and after an administrator *de bonis non* has been appointed by the court : Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to legislate upon the subject.

A report of the joint committee on the public library was read and agreed to as follows :

The joint committee on the public library have had submitted to them the annual report of the librarian, exhibiting the receipts and disbursements of the fund for the preceding year, and the balance in his hands on the 31st of December 1848 ; and having carefully examined the vouchers accompanying the same, have come to the following resolution :

Resolved, That the said report and account be approved and allowed.

Annual Report of the Librarian to the Joint Committee on the State Library, to December 31, 1848.

On the 1st day of January 1848, there remained on hand, as per the last annual report, an unexpended balance of	735 43
And there has been received during the year from sales of books and maps, the further sum of	- - 2,554 20
Amounting together to the sum of	- - <u>\$ 3,289 63</u>

Which has been applied :

To purchase of books for the library and incidental expenses,	- - - 1,698 18
To expenses on books sent from France by Mr. Vattemare,	- - - 100 00
To Virginia military institute, for philosophical apparatus, per act of March 30, 1848,	1,000 00
Leaving an unexpended balance on the 31st December 1848, of	- - - 491 45
	<u>\$ 3,289 63</u>

All which appears more fully in the account of receipts and disbursements herewith submitted, marked A.

There is yet due for a small importation of books, received near the close of the year, 130 or \$140; but the invoice not having come to hand in time, it is necessarily omitted in the account A, and will come into the account of receipts and disbursements of the next year. The available fund for 1849 may be safely relied upon as not falling below \$2500.

There have been added to the library since the last annual report, 68 volumes of law, and in literature, science, &c. 527 volumes, a catalogue of which is herewith submitted, and I hope will be approved.

The judges of the court of appeals require large additions to the law library here and to that at Lewisburg. There is no law authorizing the application of the library fund to the increase of the library at Lewisburg, and some provision for its increase seems to be indispensable.

The shelves in the library room are now more than filled, so that I have been compelled to place several hundred volumes on the floor in the gallery: the necessity for its enlargement is urgent, and cannot longer be delayed, if the institution is to advance.

In connexion with this subject, I respectfully renew the appeal made to this committee in my last annual report, in regard to the inadequate accommodations for the office of the secretary of the commonwealth, and again ask their attention to two other subjects mentioned in that report, viz: the adoption of some means for the greater security of the books in the library; and the repeal of the second section of the act of 27th February 1843, which requires the printing of 75 pamphlet copies of decisions of the general court.

In addition to the books presented by Mr. Vattemare, agent for international exchanges, reported last year, I have received from him a small but valuable collection for the military institute; and for the library, four folio volumes of engravings from the gallery of Florence, a copy of Beverley's History of Virginia, and Michaux's Travels West of the Alleghany Mountains, both in French. This enlightened and philanthropic gentleman has been every where received with the most cordial welcome, and donations have been made to him of all the most valuable publications of the states he has visited. In pursuance of the instructions contained in the joint resolution of the general assembly, relative to a national interchange of productions of art, science, industry and natural history, adopted March 23d, 1848, I presented to Mr. Vattemare, on the part of this state, such copies of the books and maps which constitute the library fund, as he wished to receive for the public institutions of France—conceiving it to be the intention of the legislature that this state should not do less in the cause than her sister states have done. There can be no doubt that the return will be rich in rare and valuable works which are not purchaseable, and which could be obtained in no other way.

The act of April 4, 1848, appropriating the public revenue, provides that \$ 250 shall be paid to the librarian, to be expended under the direction of the governor, to defray the expenses of an interchange of books, works of art, &c., between the state of Virginia and foreign nations. This appropriation has been received and disbursed under the direction of Governor Smith, as will appear by the account herewith submitted, marked C.

I have received for Mr. Vattemare, from A. Morris, of the firm of Drinker & Morris, a copy of the Madison Papers; and from Mr. Thompson, editor of the Southern Literary Messenger, two volumes of that work, handsomely bound. No other individual donations have come to my hands.

Donations for the library have been received from the Hon. James M. Mason, two quarto volumes of the Congressional Globe and a number of congressional documents.

Emory's Reconnoissance of New Mexico and California.

Trial of Lieut. Col. Fremont.

Reports on California, by Abert, Fremont, &c.

Correspondence on the Mexican war, between the secretary of war and officers of the army.

Treaty with Mexico.

From Capt. Fry, U. S. Army.

Document A is an account of receipts and disbursements of the library fund for the year 1848.

B, a tabular statement of the books and maps which constitute the fund on this day.

C, an account of disbursement of the appropriation for international exchanges, made under the direction of the governor.

All which is respectfully submitted.

WM. H. RICHARDSON,

Sec'y Com. and Librarian.

Dec. 31, 1848.

[A.]

DR.

WILLIAM H. RICHARDSON, Secretary Commonwealth and Librarian—In Account with the Commonwealth,

CR.

1848.

Jan. 1—To cash, balance from last year's account,

To cash, sales of books and maps, from 1st January to

31st December 1848, viz :

735 43

4 copies Gilmer's Reports, at	\$2 50,	10 00
4 do. 1st vol. Leigh's Reports, at	5 50,	22 00
6 do. 2d do.	6 00,	36 00
7 do. 3d do.	"	42 00
8 do. 4th do.	"	48 00
10 do. 5th do.	"	60 00
11 do. 6th do.	"	66 00
11 do. 7th do.	"	66 00
14 do. 8th do.	"	84 00
16 do. 9th do.	"	96 00
17 do. 10th do.	"	102 00
18 do. 11th do.	"	108 00
18 do. 12th do.	"	108 00
20 do. 1st vol. Robinson's Reports,	"	120 00
23 do. 2d do.	"	138 00
1 do. 1st vol. Grattan's Reports,	"	6 00
2 do. 2d do.	"	12 00
4 do. 3d do.	"	24 00
34 do. 1st Grattan,	5 00,	170 00
45 do. 2d do.	"	225 00
97 do. 3d do.	"	485 00
160 do. 4th do.	"	800 00
1 do. 4th vol. Randolph's Reports,	"	5 00
1 do. do.	"	5 00
		2,838 00

By discount to booksellers and commission on sales, 10 per cent.,

283 80

2,554 20

\$ 3,280 63

1848.

Jan. 25—By cash paid Wiley & Putnam, for books, per No. 1,

Mar. 21—By cash paid A. Vattemare, per order joint committee, January 12, 1845, to defray expense of exchange of books,

378 56

No. 2,

By cash paid Geo. P. Putnam, for books,

No. 3,

By cash paid T. & J. W. Johnson, do.

No. 4,

By cash paid Carey & Hart, do.

No. 5,

By cash paid J. W. Randolph & Co., for books and binding,

No. 6,

By cash paid Drinker & Morris, for books,

No. 7,

By cash paid subscription to Audubon's Birds of America,

No. 8,

By cash paid subscription to De Bow's Commercial Review,

No. 9,

By cash paid subscription to Southern Literary Messenger,

No. 10,

By cash paid subscription to American Farmer, 2 years,

No. 11,

By cash paid subscription to the Daguerreo-type,

No. 12,

By cash paid subscription to Niles' Register, (2 copies),

No. 13,

By cash paid Virginia military institute, to purchase philosophical apparatus, per act March 30, 1848,

No. 14,

By cash paid contingent expenses, freight, advertising, and including expenses librarian in purchasing books,

No. 15,

Dec. 31—By balance on hand,

141 71

491 45

\$ 3,280 63

[B.]

Account of Books and Maps which constitute the Library Fund.

	On hand Jan. 1, 1843.	Rec'd since Jan. 1, 1843.	Sold in 1843.	Donations.	In hands of Agents, December 31, 1843.	On hand at Richmond, December 31, 1843.	Total on hand December 31, 1843.	Value per set or copy.	AGGREGATE.
Hening's Stat. at Large, sets of 13 vols.	290	-	-	23	8	259	267	\$64 p. st.	17354
Gilmer's Reports,	292	-	4	18	8	262	270	24 p. co.	680
Randolph's Reports, sets of 6 vols.	183	-	-	16	α	159	167	25 p. st.	4175
Do. surplus copies vol. 1,	49	-	-	-	-	49	49	5 p. co.	245
Do. do. vol. 2,	68	-	-	-	-	68	68	"	340
Do. do. vol. 4,	11	-	1	-	-	10	10	"	50
Do. do. vol. 5,	123	-	1	-	-	122	122	"	610
Do. do. vol. 6,	8	-	-	-	8	-	8	"	40
Leigh's Reports, vol. 1,	76	-	4	16	17	39	56	54 p. co.	308
Do. 2,	136	-	6	16	20	94	114	6 p. co.	684
Do. 3,	158	-	7	16	-	135	135	"	810
Do. 4,	190	-	8	16	-	166	166	"	996
Do. 5,	235	-	10	16	-	209	209	"	1254
Do. 6,	264	-	11	16	-	237	237	"	1422
Do. 7,	266	-	11	16	-	239	239	"	1434
Do. 8,	289	-	14	16	-	259	259	"	1554
Do. 9,	291	-	16	16	-	259	259	"	1554
Do. 10,	342	-	17	16	-	309	309	"	1854
Do. 11,	351	-	18	16	-	317	317	"	1902
Do. 12,	427	-	18	16	-	393	393	"	2358
Robinson's Reports, vol. 1,	323	-	20	16	-	287	287	"	1722
Do. 2,	373	-	23	17	-	333	333	"	1998
Grattan's Reports, vol. 1,	392	-	35	17	-	340	340	5 p. co.	1700
Do. 2,	479	-	47	17	-	415	415	"	2075
Do. 3,	603	-	101	21	-	481	481	"	2405
Do. 4,	-	700	160	36	-	504	504	"	2520
Large Map, -	29	-	4	19	6	25	10 p. co.	250	
Small Map, -	159	-	3	65	91	156	2 "	312	
Journal Convention, 1775-6,	95	-	16	-	79	79	1 "	79	
Sets of Journals, viz:									
Journal Convention, 1788, 1 vol.									
Do. Senate, 1778-9, 1 "									
Do. do. 1785-90, 1 "									
Do. H. Delegates, 1776, 4to.	193	-	16	-	177	177	5 p. st.	885	
Do. do. 1777-80, "									
Do. do. 1781-86, "									
Do. do. 1786-90, "									
New series Statutes at Large, 3 vols.	87	-	23	-	64	64	9 "	576	
Journal Senate, 1831-2 to 1844-5,	21	-							
Do. do. 1845-6,	22	-							
Do. do. 1846-7 to 1847-8,	24	-							
Journal House of Delegates, 1831-2 to date,	24	-							
Sessions Acts, 11 sess'ns, viz: 1829-30, to 1839-40,	249	-	16	-	233	233	5 "	1165	
Sessions Acts each session since,	25	-							
Deduct for over estimates, &c., 20 per cent.,									396924
									79384
									\$31754

The donations were to Mr. Vattermare, for the public institutions of France; reports to judges; to library and court of appeals; maps and new statutes to new counties.

WM. H. RICHARDSON, S. C.

[C.]

DR. WILLIAM H. RICHARDSON, *Sec'y Commonwealth and Librarian,**In account with THE COMMONWEALTH,**For International Exchanges, through Mons. A. Vattemare, CR.*

1848.	
Nov.	—To cash, appropriation by act 4th April 1848, appropriating the public revenue, 250 00
	<u>\$ 250 00</u>

1848.	
Nov.	—By cash paid for freig't to N. York, of books presented to Mr. Vattemare, on the part of the state, No. 1, 6 25
	By cash paid for pack- ing boxes, 2, 2 12½
	By cash paid expenses of Mr. Vattemare at Exchange hotel, 3, 8 80
22—	By balance appropria- tion remitted to Mr. Vattemare, by order of the governor, 4, 232 82½
	<u>\$ 250 00</u>

A report of the joint committee on the treasurer's office, was read and agreed to as follows:

The joint committee to examine the treasurer's office, have performed that duty, and submit the following report:

The orders and warrants issued by the first and second auditors for accounts paid into and out of the treasury, were duly compared with the entries of debits and credits on the treasurer's books, and found to agree. The additions were also examined and found correct.

Having tested, in this mode, the balances stated by the treasurer to be on hand in cash at the commencement of the present fiscal year, and also the amount on hand on the morning of the 15th instant, (that being the day fixed by the committee,) letters were addressed to each of the auditors, desiring statements of the balances that should, according to their accounts, be in the treasury at that date; and also to each of the presidents of the deposite banks for information as to the balances actually to the credit of the treasurer at those dates respectively. The information thus obtained proves the treasurer's balances correct. Copies of these letters and the answers thereto, with the accompanying statements, are herewith communicated, and form a part of this report.

The committee take pleasure in bearing testimony to the neatness, good order, and system with which the books and papers in the treasury department are kept.

The annual report of the treasurer has already put the general assembly in possession of the state of the finances on the first day of the present fiscal year.

On the 15th day of January 1849, the balances, as shewn by the

books of the treasurer, and the statements of the first and second auditors, are as follows :

To the credit of the

Commonwealth,	-	-	-	-	323,898	57
Literary fund,	-	-	-	-	14,502	24
Board of public works,	-	-	-	-	100,365	74
Northwestern turnpike road,	-	-	-	-	16,747	77
Southwestern turnpike road,	-	-	-	-	36,527	55
Commissioners of the sinking fund,	-	-	-	-	31	11

Total as called for by statements of first and second auditors,	-	-	-	-	\$ 492,072	98
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The statements, furnished by the presidents of the deposite banks, shew that there was on deposite, to the credit of the treasurer, on the morning of the 15th instant, say :

In the Bank of Virginia,	-	-	-	182,914	83
Farmers Bank of Virginia,	-	-	-	137,866	24
Exchange Bank of Virginia,	-	-	-	180,580	66

Total, as rendered by the bank officers,		\$ 501,361	73
--	--	------------	----

These statements exhibit an excess in bank in favour of the treasurer of \$ 9288 75, which arises from the holders of the treasurer's checks, obtained prior to the 15th instant, not having presented them at bank for payment before the morning of that day.

WM. H. DENNIS, *Chairman*
of *Committee of Senate.*

JOS. SEGAR, *Chairman of the*
Committee on part of the H. of Delegates.

STATEMENT shewing the balances to the credit of the following accounts, on the mornings of the 1st of October 1848 and 15th instant, viz :

	October 1, 1848.	January 15, 1849.
To Commonwealth,	104,247 72	323,898 57
Literary fund,	38,451 81	14,502 24
Board of public works,	37,962 68	100,365 74
Northwestern turnpike road,	11,135 10	16,747 77
Southwestern turnpike road,	21,730 60	36,527 55
Commissioners of the Sinking fund,	31 11	31 11
	\$ 213,559 02	492,072 98

JOHN Q. WINN, *First Clerk.*

Treasury Office, 26th January 1849.

TREASURY DEPARTMENT, *Com's Room*, 23d Jan'y 1849.

SIR,—We respectfully request that you will furnish us at this office, with a statement exhibiting how much money has been paid into and out of the treasury, through your office, between the 30th day of September last and the morning of the 15th instant.

Very respectfully,

(Signed,)

W. H. DENNIS, C. C. S.

JOS. SEGAR, C. C. H. D.

To JAMES E. HEATH, Esq., *Aud'r of Pub. Accounts*.

AUDITOR'S OFFICE, 25th Jan'y 1849.

GENTLEMEN,—In compliance with the request contained in your note of the 23d inst., I enclose a statement of the amount of money paid into and drawn from the treasury, through this office, from the 1st of October 1848, to the 14th of January 1849, both days inclusive.

Very respectfully,

JA'S E. HEATH, *Aud. P. Acc'ts*.

To JOSEPH SEGAR and WM. H. DENNIS, Esquires.

A STATEMENT shewing the amount paid into the Treasury, and the amount of Warrants drawn thereon, through this office, from the 1st October 1848, to the 14th January 1849, both inclusive.

Balance against the treasurer, 1st October 1848,	-	104,247	72
Amount paid in October 1848,	-	102,477	03
Ditto November 1848,	-	37,741	50
Ditto December 1848,	-	413,855	20
Ditto from the 1st to the 14th January 1849, inclusive,	-	63,964	44
		722,285	89

Amount of warrants issued in October,	75,462	10
Ditto in November,	22,685	71
Ditto in December,	151,248	71
Ditto from 1st to 14th January 1849, inclusive,	150,397	72
	399,794	24

Add warrant No. 4953, issued prior to the 1st October last, and since paid,	0	63
	399,794	87

Deduct sundry warrants issued between the 1st Oct. 1848, and the 14th Jan'y 1849, inclusive, which appear by the treasurer's cash book to have been unpaid on the morning of the 15th January 1849, per list annexed,

1,407 55

398,387 32

Balance 15th January 1849,

\$ 323,898 57

JOSEPH JACKSON, *Clk. of Acc'ts*.
Auditor's Office, 25th January 1849.

Warrant No. 172,	1 06	Warrant No. 1672,	38 17
1234,	10 50	1709,	1 06
1421,	8 00	1710,	4 00
1422,	15 00	1723,	25 00
1423,	15 60	1724,	1 59
1428,	16 00	1726,	15 00
1429,	1 06	1729,	18 00
1430,	15 00	1886,	14 00
1431,	6 00	1887,	5 66
1432,	20 00	1888,	150 00
1434,	30 00	2036,	22 98
1435,	15 00	2092,	3 71
1447,	160 00	2155,	11 90
1448,	44 41	2158,	4 77
1449,	10 32	2159,	20 00
1450,	75 00	2163,	5 50
1451,	115 00	2164,	2 00
1452,	108 37	2165,	27 99
1664,	43 00	2173,	30 00
1665,	43 51	2178,	79 39
1666,	40 00		
1667,	10 00		
1670,	82 00		
1671,	42 00		
			<u>\$ 1,407 55</u>

TREASURY DEPARTMENT,
Com'e Room, 23d Jan'y 1849.

SIR,—We respectfully request, that you will furnish us at this office with a statement, exhibiting how much money has been paid into and out of the treasury, through your office, between the 30th day of September last and the morning of the 15th instant.

Very respectfully,

(Signed)

WM. H. DENNIS, *C. C. S.*
JOS. SEGAR, *C. C. H. D.*

To J. BROWN, Jr., Esq., *Second Auditor.*

SECOND AUDITOR'S OFFICE, 23d Jan'y 1849.

GENTLEMEN,—I herewith hand you the statement of receipts and disbursements called for in your communication of this date.

Very respectfully,

Your obed't serv't,

J. BROWN, Jr., *Second Auditor.*

To WM. H. DENNIS, Esq.,
Chairman of Committee of Senate.

To JOSEPH SEGAR, Esq.,
Chairman of Committee of H. of Delegates.

STATEMENT exhibiting how much money, on all accounts, have been paid in and out of the Treasury, on the Warrants of the Second Auditor, between 30th September 1848, and the morning of the 15th January 1849.

	Board of Public Works.	Literary Fund.	Southwest- ern Turn- pike Road.	Northwest- ern Turn- pike Road.	Sink- ing Fund.	TOTALS.
Balances in the treasury, 1st October 1848, -	37962 68	38451 81	21730 60	11135 10	31 11	109311 30
Received in October, No- vember, Dec'r 1848, up to 15th Jan. 1849,	349190 86	86725 41	45800 00	12900 00	-	494616 27
	387153 54	125177 22	67530 60	24035 10	31 11	603927 57
Disbursed during the same period, -	286961 02	110674 98	31003 05	7287 33	-	435926 38
Balances remaining on hand on the morning of 15th Jan. 1849, \$	100192 52	14502 24	36527 55	16747 77	31 11	168001 19

E. E.

THOMAS H. DE WITT, *First Clerk.*

Second Auditor's Office, January 23d, 1849.

SECOND AUDITOR'S OFFICE, January 26, 1849.

On comparing with the treasury office, I find that the following warrants, issued prior to the 15th instant, were not paid until after the morning of that day, viz:

No. 518, for - - - 74 22
549, for - - - 99 00

\$173 22

Balance remaining in the treasury, as per treasurer's report, - 100,365 74
Deduct amount, as above, not paid, - 173 22

Balance, as above, to credit Board of public works, - \$100,192 52

THOMAS H. DE WITT, *First Clerk.*

TREASURY DEPARTMENT,
Com's Room, 23d Jan'y 1849.

SIR,—The undersigned, chairmen of the joint committee to examine the treasurer's accounts, request that you will furnish them with a statement of the amount of money in the bank over which you preside, to the credit of the commonwealth, on the morning of the 1st of October last, and the morning of the 15th instant.

Very respectfully,

WM. H. DENNIS, *C. C. S.*

JOS. SEGAR, *C. C. H. D.*

To JAMES CASKIE, Esq., *Pres't Bank of Va.*

BANK OF VIRGINIA,
Richmond, Jan'y 23d, 1849.

GENTLEMEN,—I have to say, in reply to the enquiry made by your communication of this date, that the amount of money in this bank, to the credit of the commonwealth, on the morning of the 1st Octo-

ber last, was \$ 72,105 20, and on the morning of 15th instant was \$ 182,914 83.

Yours respectfully,

JAMES CASKIE, *Pres't.*

To. WM. H. DENNIS, Esq., *C. C. S.*
Jos. SEGAR, Esq., *C. C. H. D.*

TREASURY DEPARTMENT,
Com'e Room, 23d Jan'y 1849.

SIR,—The undersigned, chairmen of the joint committee to examine the treasurer's accounts, request that you will furnish them with a statement of the amount of money in the bank over which you preside, to the credit of the commonwealth, on the morning of the 1st of October last, and the morning of the 15th instant.

Very respectfully,

WM. H. DENNIS, *C. C. S.*
JOS. SEGAR, *C. C. H. D.*

To WILLIAM H. MACFARLAND, Esq.,
Pres't Farmers Bank of Va.

FARMERS BANK OF VA., Jan'y 23d, 1849.

GENTLEMEN,—In reply to your letter of this morning, I have the honour to report, that there was at the credit of the treasurer of the commonwealth, in this bank, on the morning of the 1st of October, sixty-eight thousand nine hundred and sixty dollars and twenty-two cents, of which sixteen hundred and fifty-two dollars were on special deposite; and on the morning of the 15th instant, one hundred and thirty-seven thousand, eight hundred and sixty-six dollars and twenty-four cents, of which sixty-five dollars were on special deposite.

I am, very respectfully,

Your ob't serv't,

WM. H. MACFARLAND, *Pres't.*

WM. H. DENNIS, Esq., *C. C. S.*
Jos. SEGAR, Esq., *C. C. H. D.*

TREASURY DEPARTMENT,
Committee Room, 23d Jan. 1849.

SIR,—The undersigned, chairmen of the joint committee to examine the treasurer's accounts, request that you will furnish them with a statement of the amount of money in the bank over which you preside, to the credit of the commonwealth, on the morning of the 1st of October last, and the morning of the 15th instant.

Very respectfully,

WM. H. DENNIS, *C. C. S.*
JOS. SEGAR, *C. C. H. D.*

To JOHN C. HOBSON, Esq.
President Branch of the
Exchange Bank at Richmond.

JOURNAL OF THE

OFFICE EXCHANGE BANK OF VIRGINIA,
Richmond, 23d Jan. 1849.

GENTLEMEN,—In reply to your note of this date, I have to state that the balances at the credit of the treasurer of the commonwealth at the periods stated, were as follows:

On the morning of the 1st Oct. last,	-	-	\$ 72,500 07
On the morning of the 15th instant,	-	-	180,580 66

Very respectfully,

J. C. HOBSON, *Pres.*

To W. H. DENNIS, Esq.

JOSEPH SEGAR, Esq.

Chairmen of Joint Committee, &c.

A report of the committee of finance was read and agreed to, as follows:

The committee on finance have, according to order, had under consideration the petition of J. N. Zentmeyer, clerk of the county court of Floyd county, to them referred, praying the passage of an explanatory act in reference to the duties of clerks in the collection of the tax on deeds, where two of more conveyances are contained in the same instrument of writing, and that they may be authorized to charge separate fees for each separate conveyance made in the same deed, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That it is inexpedient to legislate further on the subject.

A report of the committee of propositions and grievances, rejecting the petition of citizens of the county of Halifax, praying a change in the place of holding the election precinct now held at Locust Level, in said county, was, on motion of Mr. STOVALL, ordered to be laid upon the table.

The following reports of the same committee were read and agreed to:

The committee of propositions and grievances have, according to order, had under consideration a resolution of the house of delegates instructing them "to enquire into the expediency of exempting from jury duty, the members of the select and common councils of the city of Norfolk:" Whereupon,

Resolved as the opinion of this committee, That it is expedient to exempt from jury duty, the members of said councils, as such, during their continuance therein; and that the same be referred to the joint committee on the revisal of general laws, in order that the same may be inserted in its proper place in the general laws.

The committee of propositions and grievances have, according to order, had under consideration the petition and accompanying notice of sundry citizens of the county of Patrick, to them referred, praying, (for various motives and reasons therein set forth,) that the section of country in which they reside may be annexed to the county of Henry, according to certain boundary lines therein described. And chiefly, as they state, amongst those reasons for the change, is their peculiar loca-

tion, or remoteness from their seat of justice; their proximity to the county of Henry, where is sold or traded off most of their surplus produce; that the section of country in which they reside, and through which they have to pass to their courthouse, is exceedingly rough and mountainous, while the way is comparatively smooth and unbroken to Henry courthouse: Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners *be rejected*, not only for defect or insufficiency of notice, as required by the 23d rule of the house of delegates, but moreover a part of the same territory, now sought to be annexed to the said county of Henry, was, at the last session (1847-48) of the general assembly, annexed to the county of Franklin.

The said committee have also, at the same time, had under consideration one other petition of sundry other citizens of said county of Patrick, to them referred, praying in like manner, that nearly the same part of said county, by the same or nearly the same boundary lines, be, for the same reasons, annexed to the county of Henry: Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners *be rejected*.

A report of the committee of claims was read and agreed to, as follows:

The committee on claims have, according to order, had under consideration the petition of Richard Earley, praying that the sum of \$12 20 cents be paid to Early N. Taylor, or his agent, for tuition of poor children of the county of Madison, for the year 1847; and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the said petition *be rejected*.

No. 259. A bill to discontinue two and establish one separate election in the county of Patrick, was read the first time, and on motion of Mr. TURNER, ordered to be laid upon the table.

The following bills were read the first time and ordered to be read a second time, viz:

No. 233. A bill for the relief of Leroy M. Wilson.

No. 234. A bill for the relief of J. D. Imboden, as treasurer of schools for Augusta county.

No. 235. A bill to suspend on certain conditions the payment of interest on the loan to Emory and Henry college.

No. 236. A bill to change the place of holding a separate election in the county of Wirt.

No. 237. A bill to protect and regulate ferry rights in the county of Wayne.

No. 238. A bill for the protection of persons engaged in destroying wolves in the county of Hardy.

No. 239. A bill to authorize a separate election at the house of John F. Petty in the county of Wirt.

No. 240. A bill to authorize a separate election at the house of George J. Davis in the county of Doddridge.

No. 241. A bill to authorize a separate election at the house of Jacob Guseman in the county of Preston.

No. 242. A bill to amend the act passed March 1st, 1847, entitled

"an act to increase the capital stock of the Staunton and James river turnpike company, for the purpose of M'Adamizing their road."

No. 243. A bill to incorporate the Hillsborough and Harper's Ferry turnpike company.

No. 244. A bill releasing the Rivanna navigation company from any forfeiture of its charter on account of failure to construct its work upon the scale prescribed in the charter.

No. 245. A bill to provide for the construction of the Tazewell courthouse and Fancy gap turnpike road.

No. 246. A bill for the survey of routes for a railroad from the Louisa railroad to the Lynchburg and Tennessee railroad.

No. 247. A bill to establish a bank at Scottsville in the county of Albemarle.

No. 248. A bill providing for the improvement of the navigation of Twelve Pole river.

No. 249. A bill authorizing a subscription on behalf of the commonwealth to the capital stock of the Richmond and Pamunkey railroad company.

No. 250. A bill providing for the punishment of free negroes.

No. 251. A bill to take the sense of the people on the deportation of free negroes.

No. 252. A bill defining the duties of officers conducting election precincts in certain cases.

No. 253. A bill concerning Claudius Crozet.

No. 255. A bill to amend the act, entitled "an act changing the tenure of the office of surveyor."

No. 256. A bill concerning divorces.

No. 257. A bill releasing to the heirs of Edwin Ricks, the commonwealth's right to certain land therein mentioned.

No. 258. A bill to amend the act, entitled "an act incorporating the Manchester bridge company."

No. 260. A bill authorizing an exchange of arms with a troop of cavalry in the county of Appomattox.

No. 261. A bill concerning Segub H. Panack; and

No. 262. A bill releasing to William Caruthers the payment of a certain fine.

Mr. LACY submitted a substitute intended to be proposed by him to the bill, entitled "a bill authorizing a subscription on behalf of the commonwealth to the capital stock of the Richmond and Pamunkey railroad company," which, on his motion, was ordered to be printed.

No. 123. An engrossed bill to incorporate the Covington and Ohio railroad company was read a third time, and the question being put upon its passage, was determined in the negative. Ayes 47, noes 71.

On motion of Mr. STOVALL, the vote thereupon was recorded as follows:

AYES—Messrs. Hart, Watson, Smith, Layne of Alleghany, Powell, M'Cue, Sheffey, Byrd, Burwell, Faulkner, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, Irvine of Campbell, Irving of Cumberland, Segar, M'Clung, Stillman, Baily, Price, Welton, Lancaster, Worthington, Laidley, Ferguson, Arnett, M'Donald, Clendenin, Tanzey, Beirne of Monroe, Perrow, Robinson,

Pitts, Hiner, Cackley, Fairfax, Goff, Strother, Mayo, Cook, Dorman, Paxton, Pitman, Sibert, George, Boyers and Boyd—47.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Boisseau, Cheatham, Mitchell, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Vaughan, Clarke, Thomas, Howard of Floyd, Claiborne, Edwards, Wood, Sydnor, Clopton, Guerrant, Carroll, Maclin of Greenville, Stovall, Major, Allen, Bassel, Boykin, Howard of James City, York and Williamsburg, Thomson of Jefferson, Wallace, Houser, Tomlin, Webb, Lane of Lee, White, Beard, Harris, Newman, Shepard, Coleman, Whittle, Gustin, Butt, Cowper, Yerby, Basye, Pannill, Buswell, Turner, Syme, Townes, Grasty, Herbert, Wootton, Rives, Harrison of Prince William, Martz, Harper, Aston, Fugate, Griffin, Moncure of Stafford, Hargrave, Burdett, Massey, Harvey and Collins—71.

Resolved, That said bill be rejected.

No. 124. An engrossed bill to incorporate the Blue Ridge railroad company, and for other purposes, was read a third time, and on motion of Mr. SHEFFEY, ordered to be laid upon the table and made the order of the day for to-morrow 12 o'clock.

No. 136. An engrossed bill to prohibit the taking of fish with seines or nets by nonresidents in the Great and Little Kanawha rivers and their tributaries, or in the Ohio or its tributaries within the jurisdiction of this state, was read a third time and passed.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

No. 139. An engrossed bill to provide for the extension of the Moorfield and North branch turnpike road, was read a third time, and the question being put upon its passage, was determined in the affirmative. Ayes 64, noes 48.

On motion of Mr. STILLMAN, the vote was recorded as follows:

AYES—Messrs. Hart, Watson, Smith, Layne of Alleghany, M'Cue, Sheffey, Byrd, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, De Camps, Kyle, Barbour, Irving of Cumberland, Segar, Thomas, Rector, M'Clung, Claiborne, Edwards, Sydnor, Baily, Price, Allen, Welton, Bassel, Lancaster, Worthington, Thomson of Jefferson, Laidley, Ferguson, White, Beard, Arnett, M'Donald, Clendenin, Tanzey, Beirne of Monroe, Gustin, Perrow, Robinson, Pitts, Pannill, Buswell, Hiner, Townes, Cackley, Fairfax, Goff, Strother, Mayo, Dorman, Paxton, Martz, Harper, Fugate, Pitman, Sibert, Burdett, George, Boyers, Massey, Collins and Boyd—64.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Boisseau, Cheatham, Mitchell, Burwell, Maclin of Brunswick, Harrison of Brunswick, Irvine of Campbell, Moncure of Caroline, Lacy, Cardwell, Jones, Clarke, Howard of Floyd, Stillman, Clopton, Guerrant, Carroll, Maclin of Greenville, Stovall, Major, Boykin, Howard of James City, York and Williamsburg, Wallace, Houser, Tomlin, Webb, Harris, Newman, Shepard, Coleman, Whittle, Butt, Yerby, Basye, Turner, Grasty, Herbert, Wootton, Rives, Harrison of Prince William, Aston, Griffin, Moncure of Stafford, Hargrave and Harvey—48.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

On motion of Mr. WORTHINGTON the house adjourned until to-morrow 10 o'clock.

WEDNESDAY, FEBRUARY 28, 1849.

Prayer by the Rev. JOHN S. REYNOLDS of the Baptist church.
A communication from the senate by their clerk was read as follows:

IN SENATE, FEBRUARY 27, 1849.

The senate have passed the bill, entitled

"An act to amend the several acts incorporating the Goose creek navigation company." (No. 427.)

Mr. WORTHINGTON, from the committee for courts of justice, presented a report upon the resolution for amending the act, entitled "an act limiting real actions and right of entry;" and the following bill:

No. 472. A bill divorcing Nancy Peyton from her husband Valentine Peyton.

Mr. JONES, from the committee of propositions and grievances, presented reports upon the petitions of citizens of the counties of Randolph, Barbour and Preston, for a new county; of citizens near Fredericksburg, asking to be included in the limits of the town; of citizens of Jeffersonville, for the repeal of the acts incorporating said town; and of citizens of Augusta county for a separate election in said county; and the following bills:

No. 473. A bill incorporating the Virginia telegraph company; and

No. 474. A bill annexing to the county of Braxton a part of the county of Randolph.

Mr. CHEATHAM, from the committee of claims, presented the following bill:

No. 475. A bill for the relief of Henry Gordon, deputy for Charles Selden, late sheriff of the county of Powhatan.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bills:

No. 476. A bill to authorize Robert P. Waring of Essex county, to charge wharfage at his wharf on the Rappahannock river; and

No. 477. A bill authorizing Samuel Wilson to construct a wharf on the James river, in the county of Isle of Wight.

Mr. FAULKNER, from the joint committee on the public library, presented the following bill:

No. 478. A bill providing for a trigonometrical survey of the state of Virginia, with a view to the publication of a correct geographical map of the state.

Mr. GRASTY submitted the following resolution:

Resolved, That the resolution heretofore adopted, in relation to prayer in this house, be made a standing rule of this house.

And the question being put thereupon, was determined in the negative.

On motion of Mr. PITTS,

Resolved, That the committee of schools and colleges enquire into the expediency of reporting a bill to incorporate the Northwestern Virginia institution.

Mr. THOMAS presented a substitute intended to be proposed by him

to the bill entitled "an act concerning the jurisdiction of a single justice," which was ordered to be printed.

Mr. BURWELL presented a petition of the trustees of Mount Pleasant academy, in the county of Bedford, asking an enlargement of their corporate authority, which was ordered to be referred to the committee of schools and colleges.

The SPEAKER presented a petition of John H. Ruckman, praying further time for clerks to make deeds for lands sold for nonpayment of taxes, which was ordered to be laid upon the table.

On motion of Mr. COWPER, the report of the committee relative to the defence of Craney Island, was taken up and made the order of the day for Saturday at eleven o'clock.

The SPEAKER laid before the house a communication from the auditor of public accounts, transmitting a list of balances remaining on the books of his office at the termination of the last fiscal year, which, on motion of Mr. Cook, was laid upon the table and ordered to be printed. [Doc. No. 76.]

A motion was made by Mr. LACY that the house adopt the following resolution:

Resolved, That the committee of finance enquire into the expediency of reporting a bill to increase the salary of the second clerk in the office of auditor of public accounts.

And the question being put thereupon, was determined in the negative.

No. 453. A bill to pay the clerk and committee of revisal, with the amendment thereto proposed by Mr. STOVALL, was taken up, and the said amendment was withdrawn; the said bill was then amended on motion of Mr. FERGUSON, and then, on motion of Mr. STOVALL, the farther consideration of the said bill was indefinitely postponed.

On motion of Mr. SYME,

Ordered, That leave be given to bring in a bill to compensate the committee on revision and their clerk, for their services during the recess of the general assembly; and that Messrs. Syme, Stovall, Ferguson, Cook, Dorman, Massey and M'Clung, prepare and bring in the same.

A motion was made by Mr. FERGUSON, that the house adopt the following resolution:

Resolved, That no member of this house shall speak on any question more than thirty minutes during the remainder of the session.

A motion was made by Mr. SYME to amend the same by striking out the words "thirty minutes," and inserting in lieu thereof the words "one hour."

On motion of Mr. CLAIBORNE, the farther consideration of the said resolution and amendment was postponed indefinitely.

No. 196. A bill to provide for constructing on state account a turnpike road from Alleghany county to the Staunton and Parkersburg road, was read a second time and ordered to be engrossed and read a third time.

No. 199. A bill providing for the attendance of witnesses before commissioners of assessment for railroad companies, was read a second

time, amended on motion of Mr. WATSON, and as amended, ordered to be engrossed and read a third time.

No. 207. A bill concerning executors who have qualified without giving security, was read a second time and ordered to be engrossed and read a third time.

The following reports of the committee of propositions and grievances were read and agreed to:

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of the counties of Giles, Botetourt, Roanoke and Monroe, to them referred, with notices and other documents, praying that an act may pass establishing a new county, formed of a part of each of said counties, according to certain boundary lines in said petition fully set forth and described, and proposing the name of Craig for such new county, and the town of New Castle, in the county of Botetourt, as the seat of justice thereof; with a memorial of sundry other citizens of the county of Monroe, remonstrating, on their part, against the formation of such new county, or including them therein: Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners *be rejected*, for noncompliance with the act of 1st April 1848, requiring the votes to be taken of *all persons* qualified to vote throughout the entire county or counties, of which the new county is proposed to be formed, instead of confining the voters, as heretofore, to the proposed boundary of the new county.

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of the counties of Jackson, Gilmer and Kanawha, to them referred, with copies of notices and affidavits of publication, praying that a new county may be created, formed of a part of each of said counties, within certain boundary lines therein described, with the seat of justice at Spring creek, on the farm of Samuel Tanner, on the upper side of the Clarksburg road: Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners *be rejected*, for noncompliance with the act of 1st April 1848, requiring the votes to be taken of *all persons* qualified to vote throughout the entire county or counties of which the new county is proposed to be formed, instead of confining the voters, as heretofore, to the proposed boundary of the new county.

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of the counties of Harrison and Marion, to them referred, praying the establishment of a new county of certain parts of said counties, according to certain boundary lines therein described, making Shinston the seat of justice for the same: Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners *be rejected*, for want of notice required by law, and want of form or precision in proceedings.

The following reports of the committee for courts of justice were read and agreed to:

The committee for courts of justice have, according to order, en-

quired into the expediency of amending the 17th section of an act passed 1st April 1831; also the third section of an act amendatory thereto, passed 13th March 1836, entitled "an act concerning delinquent lands," &c.: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to legislate upon the subject aforesaid.

The committee for courts of justice have, according to order, enquired into the expediency of providing by law for supplying at the public charge the several clerks of the circuit superior courts of law and chancery within this commonwealth, with the reports of decisions of our general court, and of our superior court of appeals: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to supply at the public charge the clerks of the courts with the reports of decisions aforesaid.

The committee for courts of justice have, according to order, enquired into the expediency of so amending the laws of this commonwealth, as to permit justices of the peace, as also the several courts, to give judgment in favour of defendants, without the necessity of instituting a new action, when the account of the defendant is found to exceed that of the plaintiff, and a balance appears in favour of the defendant: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to amend the law as proposed.

The committee for courts of justice have, according to order, enquired into the expediency of amending the laws of the commonwealth, so as to make justices of the peace eligible to the office of commissioner of the revenue in succession, and to authorize them to celebrate the rites of matrimony in all cases: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to amend the laws as proposed.

The following report of the committee on the penitentiary institution was read and agreed to:

"*Resolved,* That so much of the governor's message as relates to the penitentiary, be referred to the committee on the penitentiary, and that they enquire into and report upon the expediency of establishing a house of correction for juvenile offenders."

The committee on the penitentiary have had under consideration the resolution to them referred, "upon the expediency of establishing a house of correction for juvenile offenders," and have come to the following resolution thereon:

Resolved, That it is inexpedient in the opinion of this committee to establish a house of correction for juvenile offenders in connection with the penitentiary.

The following reports of the committee of schools and colleges were read and agreed to:

The committee of schools and colleges have considered the petition referred to them, of John L. Smith, formerly of the county of Hardy, praying payment of his account for the tuition of indigent children in that county in 1846, and the committee have come to the following resolution thereupon:

Resolved, That the prayer of said petition be rejected.

The committee of schools and colleges have, according to order, enquired into the expediency of paying Susan D. Whiting's account for the tuition of poor children in Taylor county, in the year 1846, and the committee have come to the following resolution :

Resolved, That it is inexpedient to make such payment.

The following reports of several committees were, on motion of Mr. STOVALL, ordered to be laid upon the table :

The committee for courts of justice have, according to order, enquired into the expediency of enacting that no demurrer shall be entertained to any declaration because of misjoinder, on the ground of the union in the same declaration of a count in case and a count in trespass for the same matter : Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to legislate upon the subject.

The committee for courts of justice have, according to order, had under consideration the petition of citizens of Rockingham county, to them referred, "praying for a change of the laws in relation to free negroes," and have come to the following resolution thereupon :

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee for courts of justice have, according to order, had under consideration the petition of citizens of Wythe county, to them referred, praying that authority be given to the county court of said county to sell the farm belonging to said county for the use of the poor, and have come to the following resolution thereupon :

Resolved as the opinion of this committee, That the prayer of the said petition be rejected, because the law already provides for the case.

The committee for courts of justice have, according to order, enquired into the expediency of extending the time of limitation upon merchants' accounts : Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to extend the time of limitation upon merchants' accounts.

The committee for courts of justice have, according to order, enquired into the expediency of amending the act, entitled "an act authorizing constables to require indemnifying bonds," passed February 4th, 1831, so as to give the courts jurisdiction over all such bonds, notwithstanding the penalty therein be less than twenty dollars : Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to amend the law aforesaid, the courts already having jurisdiction in the cases referred to.

The committee for courts of justice have, according to order, enquired into the expediency of reporting a bill to empower the judge of the circuit superior court of law and chancery for the county of Ohio, to increase the annual allowance to the clerk of the said county for his public services : Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to report a bill giving the power aforesaid.

The committee for courts of justice have, according to order, had under consideration the resolution referring to them "so much of the

governor's message as relates to the usury laws," and ask to be discharged from the further consideration thereof.

The committee of courts of justice, to whom was referred "the petition of N. C. King, in behalf of the firemen of Norfolk, praying an amendment of the act passed March 6th 1840, exempting certain fire companies from service on petit juries," have had the same under consideration, and deeming that all such companies should be incorporated before such exemption should be granted, and the company in whose behalf the petition is presented is not incorporated, the committee have come to the following resolution :

Resolved, That the prayer of the petition be rejected.

The committee for courts of justice have, according to order, enquired into the expediency of so amending the act, entitled, "an act limiting real actions and right of entry," passed February 5th, 1831, as to extend the time within which writs of right and other actions possessory may be maintained, by persons who were minors, or labouring under other disabilities at the time their right of title accrued : Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to amend the act referred to as aforesaid.

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of the counties of Cabell, Putnam and Kanawha, to them referred, representing that the manner or course in which a part of the boundary line of the new county of Putnam has been designated, in the act establishing said new county of part of the counties of Kanawha, Cabell and Mason, has subjected them and their community in general, to serious inconvenience and difficulty ; and praying, therefore, that a certain part of said boundary line may be changed, so as to run as designated in said petition : Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners be rejected, for want of the notice required by the 23d rule of the house of delegates.

The committee of propositions and grievances have, according to order, "enquired into the expediency of authorizing the clerk of the county court of Pittsylvania to execute a deed to Joshua P. Roach for certain lands therein sold for nonpayment of taxes thereon, and purchased by him : " Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to authorize said clerk to execute such deed.

The committee of propositions and grievances have, according to order, "enquired into the expediency of incorporating a company to establish a line of stages from the terminus of the Louisa railroad to the White Sulphur springs, in the county of Greenbrier : " Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to incorporate a company for such purpose.

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of Gloucester county, to them referred, praying that no law be passed by which they and the state generally shall be excluded from the privilege

of taking or catching oysters from the waters of Ware river, in the same manner as from the other waters of this commonwealth ; that the law passed on the 22d of March 1847, entitled, "an act concerning oysters and terrapins, and the penalties in regard to them," as far as the provisions thereof extend to the taking of oysters from North river, may be repealed ; and that a law be enacted by which all the citizens of the commonwealth will be placed upon an equal footing as to the right to take or catch oysters from their natural beds, in all waters within the bounds or limits of the state : Whereupon,

Resolved as the opinion of this committee, That the several prayers of said petitioners, so as aforesaid set forth in their petition, be rejected.

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of the city of Wheeling, in the county of Ohio, to them referred, praying that the election law may be so changed as to authorize the opening of the polls and receiving votes in the said city proper, during the state and presidential elections, at the usual places of holding their city elections in the respective wards : Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners be rejected, for want of notice required by the 23d rule of the house of delegates.

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens associated under the name of "the Sons of Temperance of the City of Wheeling," to them referred, praying an act of incorporation or charter whereby they may be authorized to erect a hall and hold property in said City of Wheeling, to the amount of ten thousand dollars : Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners be rejected, the act of 31st of March 1848, concerning certain benevolent associations, having sufficiently, or as far as was intended, provided for such cases.

The committee of propositions and grievances have, according to order, "enquired into the expediency of reporting a bill incorporating the Norfolk exporting and importing company : " Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to report a bill incorporating such a company.

The committee of propositions and grievances have, according to order, had under consideration the petition of citizens of the town of Wellsburg and its vicinity, in the county of Brooke, to them referred, representing that they are members of the "Wellsburg Division No. 37, Sons of Temperance," and desirous of perpetuating more permanently the object of their organization, pray that an act of incorporation, with such powers as are necessary for that purpose, be granted to them : Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners be rejected, the act of 31st March 1848, "concerning conveyances or devises of places of meeting of certain benevolent associations," having already sufficiently, or as far as was intended, provided for such cases.

The committee of propositions and grievances have, according to order, had under consideration the petition and accompanying documents of sundry citizens of the counties of Fauquier and Loudoun, to them referred, representing that they have for a long series of years been subjected to numerous and serious evils, growing out of their peculiar location within the bounds of the two great and populous counties aforesaid, and praying therefore that the general assembly will, by law, authorize the formation of a new county of portions of said counties of Fauquier and Loudoun, according to the metes and bounds in said petition set forth and described, with the seat of justice thereof at the town of Upperville in the now county of Fauquier: Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners be rejected, for nonconformity to the act of 1st April 1848, entitled "an act to amend the act, entitled 'an act concerning the formation of new counties.'"

The committee of propositions and grievances have, according to order, enquired into the expediency of reporting a bill to incorporate the "Wheeling Masonic hall association;" Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to report a bill to incorporate said association.

The committee of propositions and grievances have, according to order, enquired "into the expediency of passing some law for the settlement of the county line between the counties of Braxton and Nicholas:" Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to pass such a law at this time.

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of Logan county, to them referred, praying the passage of an act creating a new county out of the upper part of Logan county, within certain boundary lines therein described, with the seat of justice on the lands of William Cook, on the Clear fork of Guyandotte river, where Madison Cook now lives, with an affidavit of the publication of notice, but no poll books, and admitting in the said petition that no poll was held, except at one separate election within the proposed bounds, and that the act of the 1st of April 1848 was unknown to them: Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners be rejected, for want of poll books and nonconformity to the act aforesaid.

The committee of propositions and grievances have, according to order, had under consideration sundry resolutions of enquiry to them referred, and have come to the following resolutions thereupon:

1. *Resolved as the opinion of this committee,* That it is inexpedient "to establish a separate election at the house of Robert Reid in the county of Taylor," there being no "petition of the citizens of said county, or notice of the intended application for such separate election," as required by the act of 29th January 1834.

2. *Resolved as the opinion of this committee,* That it is inexpedient "to establish a separate election at the house of Willis Leech on the

Kanawha river, in the county of Wood, for the same reasons as in the preceding resolution.

3. *Resolved as the opinion of this committee*, That it is inexpedient "to establish a separate election at the house of Morton Butcher, on Tygart's creek in Wood county," for the same reasons as in the resolution first above.

4. *Resolved as the opinion of this committee*, That it is inexpedient "to report a bill authorizing the clerk of the county court of Lee county, to convey to Isaac Robinett of said county, two tracts of land, one containing 62 acres and the other 300 acres, lying on Blackwater in said county, purchased by him at the sale of delinquent lands for the nonpayment of taxes for the year 1834."

The committee of propositions and grievances have, according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon :

1. *Resolved as the opinion of this committee*, That the petition of sundry citizens of the counties of Randolph, Nicholas and Braxton, praying the formation of a new county of part of said counties, within certain boundary lines therein described, with the seat of justice thereof at the Fork lick on Elk river, or at Sampon Sawyer's, on Gauley river, as may be selected by the persons qualified to vote at the next spring election, be rejected, for want of poll books required by law.

2. *Resolved as the opinion of this committee*, That the petition of sundry citizens of the town of Bridgewater and vicinity, in the county of Rockingham, praying for the establishment of a separate election in said town, be rejected, for want of notice required by law.

3. *Resolved as the opinion of this committee*, That the petition of sundry citizens of the town of Front Royal in the county of Warren, praying sundry amendments to the act, entitled "an act providing for the election of trustees for the town of Front Royal in the county of Warren, and for other purposes," passed March 27th, 1837, as per the form of a bill therewith presented, be rejected, for want of notice required by the 23d rule of the house of delegates.

4. *Resolved as the opinion of this committee*, That the petition of sundry citizens and voters of the county of Loudoun, praying the establishment of a separate election at Goresville in said county, be rejected, for want of notice required by the act of 29th of January, 1834, entitled "an act regulating applications for separate elections."

5. *Resolved as the opinion of this committee*, That the petition of sundry citizens of the parish of St. Bride's in the county of Norfolk, praying the passage of an act authorizing William Tatem to construct a dam across Saul creek, and to erect a tide mill thereon for grinding corn, upon the ground that it will be of general benefit to the neighbourhood, be rejected, for want of notice required by the 23d rule aforesaid, and also for want of merit in the said application.

6. *Resolved as the opinion of this committee*, That the petition of James Shanks, of the Sweet springs, Monroe county, praying that a slight change be made in the county lines of Botetourt, Alleghany and Monroe counties, on Price's or Middle mountain, so as to throw

the tollhouse of the Sweet springs and Price's mountain turnpike road, and adjoining improvements, (now his own property,) into the county of Botetourt, instead of Alleghany county, where it now is, to wit: By running and fixing certain lines in said petition described, as the boundary lines between said counties, instead of the present division lines; taking from the counties of Monroe and Alleghany, and giving to the county of Botetourt, some few acres of land of no value, being steep and rocky, for the convenience of said petitioner, by having his property and business in the county of Botetourt, instead of two counties, be rejected, having had, at the same time, under consideration, and in connection therewith, "the memorial of sundry citizens of Alleghany county, remonstrating against such a change in the lines of their county."

The committee of propositions and grievances have, according to order, had under consideration the petition or memorial of "the general temperance assembly," which lately met in the City of Richmond, to them referred, praying the passage of an act, requiring the officers who hold the next general election in this commonwealth, then to take and record the opinion of each voter, upon the question (stated in some brief and clear form,) whether the sale of intoxicating drinks shall continue to be licensed, or not? And if, in the whole state, or in some counties or boroughs, the majority be against licensing the sale in future, they further pray such legislation as may become the wisdom, dignity and virtue of Virginia and of her legislature: Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners be rejected.

The committee of propositions and grievances have, according to order, had under consideration a resolution of the house of delegates, instructing them "to enquire into the expediency of reporting a bill, fixing the time of meeting of the general assembly on the 1st day of January annually, instead of the time now required by law:" Whereupon,

Resolved as the opinion of this committee, That it is inexpedient so to change and fix the time of meeting of the general assembly.

The committee of propositions and grievances have, according to order, had under consideration the petition of citizens of Fauquier county, to them referred; and in connection with a resolution of enquiry into the expediency of incorporating the town of Weaversville in said county; the said petition praying that the said village of Weaversville may be incorporated with the usual powers and privileges granted to incorporated villages: Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners be rejected for want of notice required by the 23d rule of the house of delegates.

The committee of propositions and grievances have, according to order, had under consideration the petition and documents of sundry citizens of the counties of Randolph, Barbour and Preston, to them referred, praying the formation of a new county of part of said counties, within certain boundary lines in said petition described, with the seat

of justice thereof on the western side of Cheat river, at the mouth of Clover run, and known by the name of Westernford : Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners be rejected for want of new notices and new pollbooks for the present year ; those filed with the petition, being of a former year.

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of Augusta county, to them referred, asking the establishment of a separate election at the schoolhouse now occupied by J. W. Bear in the town of Churchville in said county : Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners be rejected for insufficiency of notice required by the act of 29th January 1834.

The committee of propositions and grievances have, according to order, had under consideration the petition of several citizens residing in the suburbs of the town of Fredericksburg, to them referred, praying that they may be included as a part of said town : Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners be rejected for want of notice required by the 23d rule of the house of delegates.

The committee of propositions and grievances have, according to order, enquired into the expediency of repealing the various acts of assembly relating to the incorporation of the town of Jeffersonville in the county of Tazewell, in connection with the petition of sundry citizens of said town, to them referred, praying the repeal of the act incorporating said town : Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to repeal said acts, or said act, as prayed by the petition ; and that the prayer of said petitioners be rejected for want of notice required by the 23d rule of the house of delegates.

The committee of finance have, according to order, had under consideration the petition of Charles A. Johnston and others, citizens of the county of Loudoun, to them referred, praying that the sheriffs and other collectors of the public revenue for said county, be authorized and required to receive the notes of the Wheeling banks in payment of taxes, bank debts, and in discharge of trust deeds and executions, and that the said banks be placed on a footing of equality with the other banks of this commonwealth, or that the said county of Loudoun be placed on the same footing as the counties of Brooke, Ohio, Marshall, Tyler, Wood and Jackson, and have come to the following resolution thereupon :

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee of finance have, according to order, had under consideration the petition of Cyrus A. Larue and other citizens of the county of Greenbrier, to them recommitted, praying that the said Larue be permitted to peddle goods, wares and merchandize in Western Virginia, without paying the usual tax, and have come to the following resolution thereupon :

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee of finance have, according to order, had under consideration the petition of William Ward of the county of Northampton, to them referred, praying permission to establish a store on Hog island in said county, without paying a license for the same, and have come to the following resolution thereupon :

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee of finance have, according to order, enquired into the expediency of making the owner and not the hirer pay the taxes on negroes : Whereupon,

Resolved as the opinion of this committee, That it is expedient to legislate on the subject ; that they be discharged from the further consideration thereof, and that it be referred to the joint committee on the revisal.

The committee on claims have, according to order, had under consideration the petition of George Miller, praying to be released from the payment of a fine imposed upon him by the circuit superior court of law and chancery, for the county of Morgan, and have come to the following resolution thereupon :

Resolved as the opinion of this committee, That the prayer of said petition be rejected.

The committee on claims have, according to order, had under consideration the petition of Robert Whitely, praying compensation for services rendered as a teacher of poor children in the county of Scott, for the years 1846-47, and have come to the following resolution thereupon :

Resolved as the opinion of committee, That the said petition be rejected.

The committee on claims have, according to order, had under consideration the petition of John D. D. Rossett, praying relief on account of certain forfeited and delinquent lands, and have come to the following resolution thereupon :

Resolved as the opinion of this committee, That the prayer of said petition be rejected.

In obedience to the 32d rule and regulation of the house of delegates, the committee of privileges and elections have examined the returns of members of the present general assembly, and submit the following report :

Your committee find that there are returns from Accomack, Albemarle, Alexandria, Amelia, Appomattox, Augusta, Bath and Highland, Bedford, Berkeley, Botetourt, Braxton, Lewis and Gilmer, Brooke and Hancock, Brunswick, Buckingham, Cabell, Putnam and Wayne, Campbell, Caroline, Charlotte, Chesterfield, Dinwiddie, Elizabeth City and Warwick, Essex, Fayette and Nicholas, Floyd, Franklin, Frederick, Giles and Mercer, Gloucester, Goochland, Greenbrier, Greenville, Halifax, Hampshire, Harrison and Doddridge, Henry, Isle of Wight, James City, York and Williamsburg, Jefferson, Kanawha and Putnam, King & Queen, Lancaster and Richmond, Lee, Logan and Boone, Loudoun, Lunenburg, Madison, Marion, Mason, Putnam, Wirt and Jackson, Mecklenburg, Monongalia, Monroe, Montgomery and Pu-

laski, Morgan, Nelson, Norfolk City, Northumberland, Nottoway, Ohio, Page, Patrick, Petersburg, Pittsylvania, Pocahontas, Powhatan, Preston, Princess Anne, Prince George, Prince William, Randolph and Barbour, Rockbridge, Russell, Shenandoah, Smyth, Southampton, Stafford, Surry, Sussex, Tazewell, Tyler, Doddridge and Wetzell, Warren and Clarke, Washington, Westmoreland, Wood, Wirt, Ritchie and Doddridge, and Wythe and Pulaski; all of which are in the form prescribed by law, or to the same effect.

It appears to your committee that there are no returns from Amherst, Cabell, Putnam and Wayne, Charles City and New Kent, Culpeper, Cumberland, Fairfax, Fauquier, Fluvanna, Grayson and Carroll, Hanover, Hardy, Henrico, King George, King William, Louisa, Marshall, Matthews and Middlesex, Nansemond, Norfolk county, Northampton, Northumberland, Orange and Greene, Pendleton and Highland, Prince Edward, Rappahannock, Richmond City, Roanoke, Rockingham, Scott, Spottsylvania and Taylor.

Your committee have also examined the certificates of the oaths of the members of the present house of delegates, and find that Littleton Nock, Thomas J. Boyd, Benjamin Hiner, Francis L. Smith, Henry W. Thomas, Henry E. Coleman, Henry P. Irving, Hugh W. Sheffey, William Pitts, Egbert R. Watson, Richard F. Darracott, Stephen D. Whittle, James H. Ferguson, David Goff, Buckner Fairfax, Burr W. Harrison, Robert C. Mitchell, William M. Cook, Jos. L. Howard, Peter F. Boisseau, James Allen, George W. Harrison, John F. Maclin, Thomas Buswell, Henry B. Collins, Thomas Basye, F. B. Welton, William T. Wootton, Caleb Tanzey, Asa Hiett, John W. Syme, William O. Harris, George W. Sibert, George W. Kyle, Henry Maclin, Ira Fugate, George Stillman, William H. Edwards, D. B. Layne, Thomas J. De Camps, Philip Pittman, Josiah Boyers, Henry B. Thompson, Harvey George, Joseph Segar, William C. Worthington, Robert G. Rives, Francis M. Boykin, Benjamin Bassel, David Barnett, Elijah P. Baily, John W. Thompson, Upton Edmondson, John Wills, John E. Nicholson, Crawford Turner, William B. Aston, Patrick H. Mullins, David Hargrave, B. B. Vaughan, Alfred Rector, James P. Arnett, Hiram Martz, John S. Barbour jr., John B. Floyd, Eustace Conway, Ro. C. Gustin, William L. Boak, George T. Yerby, Alger non R. Wood, Thomas C. Clopton, William Howard, John R. Kilby, John M. M'Cue, E. C. Robinson, James M. Laidley, Benjamin W. Byrne, Robert E. Scott, Charles Clendenin, William Webb jr., Thomas N. Clarke, William A. Moncure, Thomas B. Butt, Edward H. Herbert, Edmund W. Massie, George Townes, William D. Hart, Thomas Grasty, Charles Perrow, James R. Houser, Robert J. T. White, Richmond T. Lacy, Lewis Beard, John Carroll, Edwin G. Booth, James G. Paxton, Richard C. L. Moncure, Michael B. D. Lane, L. C. Finney, Frederick Moore, James Irvine, James B. Dorman, John A. Lancaster, Joseph F. Harvey, Zaccheus E. Cheatham, Jonathan B. Stovall, Alexander W. Jones, Harrison B. Tomlin, Samuel B. Major, Henry L. Hopkins, Benoni E. Harrison, Andrew H. Byrd, C. J. Beirne, R. W. Sydnor and Ro. G. Griffin took the said oaths on the 4th; that Robert Wallace took the said oaths on the 5th; that Field-

ing M'Clung and A. K. Shepard took said oaths on the 6th; that John A. Thompson took said oaths on the 7th; that Nathaniel C. Claiborne and Samuel Price took said oaths on the 11th; that Wyatt Cardwell, George Pannill jr., Morris D. Newman and William Cackley took said oaths on the _____ day of December 1848, and that Samuel E. Goodson took said oaths on the 12th of January 1849.

It further appears to your committee that there are no certificates of the oaths of Paulus Powell, William M. Burwell, C. J. Faulkner, Charles Guerrant, William R. M'Donald, L. C. P. Cowper, James F. Strother, Joseph Mayo, Addison Harper and John S. Burdett.

The committee appointed to examine the office of the auditor of public accounts, have performed that duty, and beg leave to submit the following report:

The committee have carefully examined the books and papers of the office, and find the vouchers and disbursements to correspond; that the books are neatly and accurately kept, and that the papers are well arranged.

The committee are of opinion, that the act of assembly passed the 15th February 1844, entitled "an act to amend an act for printing records of causes in the court of appeals, passed 24th March 1842, and for other purposes," should be amended, and beg leave to report two bills.

Resolved, That the committee on the penitentiary be instructed to enquire into the expediency of making some adequate provision by law for the moral improvement and religious instruction of the convicts confined in the penitentiary house of this commonwealth."

The committee on the penitentiary have had under consideration a resolution to them referred, upon the expediency of making some adequate provision by law for the moral improvement and religious instruction of the convicts confined in the penitentiary, and have come to the following resolution:

Resolved, That it is inexpedient to provide by law for any further religious instruction to the convicts in the penitentiary of Virginia, the committee being satisfied with the attention and conduct of the present superintendent and directors to the religious privileges and wants of the convicts in said institution.

The committee on banks, to whom was referred a resolution as to the expediency of amending "an act establishing a branch of the Exchange Bank at Abingdon," &c., passed at the last session, have, according to order, had the same under consideration, and adopted the following resolution in relation thereto:

Resolved, That this committee ask to be discharged from further consideration of the said resolution.

The committee on banks, to whom was referred the "petition of George M'Intosh, and other citizens of the City of Norfolk, concerning the election of officers in the Exchange Bank of Virginia, and votes given by proxy," &c., have, according to order, had the same under consideration, and come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of said petition be rejected.

The committee to examine the second auditor's office has performed that duty, and begs leave to report :

The committee has found the books and papers of the office so arranged, as to afford the committee every facility for a full investigation and careful examination of the office.

All receipts and disbursements are properly arranged, correctly entered, and in an excellent state of preservation.

The business of the office is discharged with great promptitude and ability.

The cash accounts and balances on the books of the office have been carefully examined, and found correct, and in accordance with the printed reports of this and the treasurer's office, &c.

The committee of agriculture and manufactures have, according to order, enquired "into the expediency of creating the office of weigh and measure master in the City of Richmond, and such other towns as may be deemed necessary, for the purpose of weighing or measuring all wheat and other grain that may be offered for sale in the city or town where such office may be established:" Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to create the said office.

The committee of agriculture and manufactures have, according to order, had under consideration the petitions of Hunt & Langhorne and others, millers in the counties of Campbell, Bedford and Amherst, and of M'Nutt & Flournoy, millers in the county of Prince Edward, to them referred, praying the passage of "an act repealing all laws now in force requiring that all flour shall be inspected here before it is exported out of the state, leaving it optional with the Virginia millers to have their flour inspected before exportation or not, as they may think proper," and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petitions be rejected.

The committee of agriculture and manufactures have, according to order, had under consideration the petition of sundry citizens of the county of Bedford, to them referred, praying the passage of "a law declaring Goose creek a lawful fence, from the county line of Campbell to Holligan's ford in Bedford," and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee on the militia laws have, according to order, had under consideration the petition of the Lancaster artillery, to them referred, asking that their company may be furnished with small arms, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee on the militia laws have, according to order, had under consideration the petition of citizens of the county of Halifax, residing in the 84th regiment of Virginia militia, to them referred, praying the privilege of raising by voluntary enlistment another company of cavalry within the said regiment, to be attached thereto and

known as the Mount Laurel Rangers, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee of roads and internal navigation have considered the petition referred to them, of citizens of the county of Randolph, praying the construction of a turnpike road from Petersburg in the county of Hardy, to Beverley in the county of Randolph, and the committee have come to the following resolution thereupon:

Resolved, That the prayer of the petition be rejected.

"Resolved by the general assembly, That if an engineer should be employed by the governors of Kentucky and Virginia to survey Sandy river, and to report to them respectively, the necessary improvements of said river, then one half of the expense incurred in making said survey shall be paid by this state, and the auditor of public accounts is hereby authorized to issue a warrant to pay the same out of any moneys in the treasury not otherwise appropriated."

The committee of roads and internal navigation have considered the joint resolution offered in the house of delegates, and referred to the committee, which proposes to pay half the expense of surveying Sandy river, provided such survey be jointly authorized by the governors of Virginia and Kentucky, and the committee beg leave to report the said resolution without amendment, and to recommend its adoption by the house of delegates.

The committee of schools and colleges have considered the petition to them referred, of citizens of Harper's Ferry and its vicinity, praying for authority to raise a sum of money by lottery for the Harper's Ferry female institute, and the committee have come to the following resolution thereupon:

Resolved, That it is inexpedient to grant the prayer of the petitioners.

The committee of schools and colleges have considered the petition to them referred, of Leroy Dixon, for payment of sundry accounts of 1843 and 1844, for the tuition of poor children in the county of Matthews, and the committee have come to the following resolution thereupon:

Resolved, That the said petition be rejected.

The committee on schools and colleges have, according to order, had under consideration the petition of sundry citizens of the county of Kanawha, praying for the repeal of the law establishing a district free school system in said county, so far as certain districts therein named are concerned, and have come to the following resolution thereupon:

Resolved, That the prayer of the petitioners be rejected.

The committee on schools and colleges, to whom was referred the petition of A. Bryan, school commissioner for Mason county, "asking for relief as such," have, according to order, had the same under consideration, and come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of said petition be rejected.

The committee on schools and colleges, to whom was referred a resolution "enquiring into the expediency of appropriating \$1000 to found a library at the Buckingham female institute," have, according to order, had the same under consideration, and adopted the following resolution in relation thereto:

Resolved as the opinion of this committee, That it is inexpedient to make the said appropriation.

The committee on executive expenditures for the past fiscal year, respectfully submit the following report:

They have carefully examined the various items of expenditure authorized by the executive department, and find them to be such as are usual and proper, and sustained by satisfactory vouchers.

The whole amount of expenditures, including repairs of public enclosures, &c. is	-	-	10,163 62
Amount of annual appropriation to civil contingent fund, is			10,000 00

Excess of expenditures,		<u>\$163 62</u>
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Annexed is a statement containing the items of expenditure, with brief explanation of the nature and extent of the claims paid.

LIST OF WARRANTS drawn on the Civil Contingent Fund, during the year ending the 30th of September 1848, viz:

1847.

Oct.	6,	Burr, Pae & Sampson, for grate for council chamber,	9 99
	11,	R'd Mathews, for attendance on public offices,	30 00
		Richmond postoffice, for public postage, Sept. last,	126 41
	18,	Shepherd & Colin, for books, &c. for auditor's office,	66 75
	19,	I. A. King, for lightwood,	7 50
		W. A. Irving for sweeping library,	7 50
	21,	David Brown, for reward by executive for arrest of a felon,	100 00
		W. W. Parker, for ice for public offices,	14 76
		Thos. T. Garrett, for sand for capitol square,	7 00
	25,	F. C. Gravely, for door spring, &c. for capitol,	2 50
	30,	W. H. Richardson, for stove for library,	38 60
		H. B. Ford, for bringing slave Peter to penitentiary,	43 14
Nov.	2,	Richm'd postoffice, for public postage for Oct. '47,	62 20
	9,	Thomas Gordon, for bringing slave Jim to pen'ty,	73 98
		H'y Johnson, for repairing bell and bellhouse,	2 00
		J. B. Bragg, for meal,	13 30
	13,	F. W. R. Danforth, for putting away coal,	8 01
		John England, for apprehending Ro. Alford,	50 00
	15,	M. Lazarus, for pens for land office,	3 75
	20,	C. Kepler, for hire of cart, &c. on square,	2 25
		Owen M'Govern, for ornamental trees and shrubs for square,	400 00
	23,	F. W. R. Danforth, for making fires, &c. for office keeper rolls,	10 00
	24,	R'd Matthews, for putting away coal,	2 75
	27,	James Davis, for anthracite coal,	72 00
Dec.	1,	Banks Wade, for lightwood,	7 50

1847.

Dec.	4,	H. B. Ford, for removing portrait Lord Chatham to Richmond,	33	41
		Rich'd postoffice, for postage, Nov. '47,	43	95
		Wm. Palmer, for grass seed,	44	62
	8,	W. A. Mathews, for culvert from capitol square,	12	47
	9,	J. C. Spotts, agent, &c., for cart, harness, &c.	42	50
	10,	John Ford, for bringing rep'd slave to pen'ty,	15	25
	14,	Jno. N. Gordon, for bringing Jim to pen'ty,	78	48
	15,	Wm. Forbes, for repairs to capitol,	23	50
		Thos. S. Sydnor, for arresting, &c. of Austin Libon,	100	00
	16,	Charles Philips, for cart hire on the square,	30	00
	20,	Wm. Booth, for hire of wagon to bring portrait from Westmoreland,	12	00

1848.

Jan'y	4,	Wm. Williams, for coal,	90	00
		Glenn, Davis & Co. for bricks for state courthouse,	19	20
		Rob't Pickett, for coal,	126	00
		F. W. R. Danforth, for scuttles, &c.	11	55
	5,	R'd Mathews, for attendance on public offices,	32	00
		Richm'd postoffice, for public postage, Dec'r '47,	52	64
		Ph. F. Howard, for telegraphic despatch for exec.	2	20
	7,	Haxall, Bro's & Co. for meal for "government horse,"	9	60
	8,	J. B. Bragg, for meal for do.	4	75
		Hubbard, Gardner & Carlton, for stationary,	6	00
		Samuel Ellis, for box for Chatham's portrait,	8	00
		J. & F. Clendening, for hay for "government horse,"	12	74
	10,	F. W. R. Danforth, for telegraphic dispatch for exec.	4	12
		J. W. Randolph & Co. for stationary,	121	16
		W. A. Irving, for sweeping library, &c.	13	95
		Geo. G. Browne, for work on capitol square, &c.	172	09
	13,	T. A. Rust, for pad locks,	6	00
		Jno. T. Sublett, for sash cord,	1	60
	15,	A. D. Towns, for coal,	27	00
		Drinker & Morris, for stationary,	16	00
	25,	Nash & Woodhouse, for do.	14	00
		Isham A. King, for lightwood,	2	50
		David Carter, &c. for arrest of slave escaped from pen'ty,	50	00
	27,	I. A. King, for lightwood,	2	50
		J. D. Smith, for putting down carpets in senate chamber,	28	50
	28,	Gales & Seaton, &c. for exec. sub. for Nat. Intell. &c.	35	25
	29,	City of Richmond, for new screw hydrant for capitol,	7	75
Feb.	1,	Geo. G. Browne, for repairs to fence around square,	78	50
		Geo. G. Browne, for do. do.	30	00
		Peter Henshaw for arrest of fugitive,	50	00
	2,	Ritchie & Heiss, for ex. sub. to "Union,"	10	00
	4,	Richmond postoffice, for public postage Jan. 1848,	36	84
	9,	G. S. Trueheart, for arrest of Swaine, a fugitive,	50	00
	16,	J. D. Smith, for carpeting delegates hall,	154	31
	18,	Richardson & Co. for carpets for delegates hall, &c.	343	75
	19,	Thos. M'Collock, for work on public square,	15	64
	21,	Wm. Forbes, for repairs about capitol,	26	75
	26,	F. Childs, for going as messenger for adjutant general,	5	25
	28,	Jordan Branch, for expenses, &c. as messenger to demand a fugitive,	60	84

1848.

Feb.	28,	Ritchie & Heiss, for advertising for land office,	-	15	12
		Chs. D. Yale, for putting down zinc, &c. in hall house of delegates,	-	18	50
March	1,	Richards & Gardner, for irons for governor's house,	-	4	84
		James Davis, for coal,	-	36	00
	4,	I. A. King, for lightwood,	-	5	00
		W. G. Brown, for repairing portrait Lord Chatham,	-	110	00
	6,	Richmond postoffice, for public postage for Feb. 1848,	-	28	29
	8,	Journal of Commerce, for ex. subscription,	-	12	50
	13,	R. R. Duval, for chbro. of lime,	-	4	54
	14,	A. G. Pendleton, for stationery,	-	10	00
	18,	Wm. Booth, for papering quarters of Lieut. Gay,	-	50	00
	22,	Talbott & Brother, for repairs to armory engine,	-	95	00
	28,	Richmond city, for water rent for capitol,	-	50	00
	30,	H. B. Ford, for bringing slave from King William,	-	8	04
		F. W. R. Danforth, for tape, &c. for exec.	-	14	75
	31,	W. A. Irving, for services as keeper of state courthouse,	-	30	00
		Times and Compiler, for exec. sub.	-	6	00
April	1,	Rd. Mathews, for attendance on public offices,	-	30	00
		Jacob Crafts, for sweeping capitol,	-	18	00
	3,	B. J. Vaughan, &c. for arrest, &c. of W. D. Epes,	-	1,085	00
	4,	A. E. Peticolas, for a drawing of the arms of Va.	-	10	00
		Ro. Pickett, for coal,	-	198	00
	5,	Richmond postoffice, for public postage March 1848,	-	26	46
	6,	Stebbins, Darracott & Co. for lampwick, &c.	-	2	13
		F. W. R. Danforth, for oil and lighting lamps, &c. in front capitol,	-	52	90
	8,	James Davis, for coal,	-	24	00
	10,	W. A. Irving, for sweeping library, &c.	-	11	50
	13,	Jacob Crafts, for scouring the capitol,	-	9	00
	19,	W. Wagner, for seals for new counties,	-	15	00
May	2,	Richmond postoffice, for public postage April '48,	-	100	08
	9,	Arch'd Wilkinson, for rewards for taking up fugitives,	-	150	00
	13,	Enquirer office for exec. sub., &c.	-	19	00
	26,	Wm. Forbes, for fencing about new courthouse,	-	58	50
	29,	H. B. Ford, for bringing slave from Gloucester,	-	23	41
	31,	Shepherd & Colin, for 500 copies of report of revisors,	-	528	25
		H. B. Ford, for bringing slave from Logan,	-	93	97
June	2,	Geo. Pickett, &c. for arrest, &c. of fugitive,	-	35	00
	8,	Wm. Booth, for repairing chairs second auditor,	-	10	00
	12,	Wilson Seay, &c. for arrest of Wm. Coles,	-	100	00
		Ro. I. Smith, for stationery,	-	7	87
	13,	Richmond postoffice, for public postage May 1848,	-	80	60
	15,	Jas. Yarrington, for taking down mantle piece in library,	-	0	75
	22,	Sam'l Beach, &c. for conveying prisoners from Dist. to Alexandria,	-	21	31
	23,	Geo. G. Browne, for repairs to capitol fence,	-	24	83
	24,	Chs. F. Fisher, for stationery,	-	3	00
	26,	Telegraph office, for message to Wheeling for exec.	-	2	25
	28,	F. W. R. Danforth, for sundry expenses of exec. dep't,	-	4	27
July	6,	P. D. Bernard, for blanks for land office,	-	20	00
		Rd. Mathews, for attendance on public offices,	-	32	00
	7,	W. A. Irving, for attendance on library,	-	10	00
		Richmond postoffice, for public postage June '48,	-	105	08
	10,	J. W. Randolph & Co. for stationery,	-	114	21
	11,	Journal of Commerce, for exec. sub.	-	4	00

1848.

July	12,	Haxall, Bros. & Co. for meal for "government horse,"	5 20
		Drinker & Morris, for stationery, - - -	21 05
	15,	H. B. Ford, for bringing slave from Gloucester, -	23 42
		Le Cler & Harreys, for glazing, - - -	0 92
		Robert Nott, for painting the model of capitol, -	15 00
	17,	Nash & Woodhouse, for stationery for land office, -	184 94
	18,	Hubbard, Gardner & Carlton, for stationery, -	6 00
	25,	Thomas Gordon, for distributing the laws, -	120 00
	26,	Wm. Hutchison, for do. do. -	120 00
July	27,	Wm. G. Allan, for distributing the laws, -	150 00
	28,	J. B. Bragg, for meal for "government horse," -	12 80
		John A. Eacho, for distributing the laws, -	70 00
	29,	E. Franck, for frame for Marshall's portrait, -	76 50
		Van Lew, Smith & Co., for pruning shears, &c. for square,	9 25
		John Warrock, for sundry copies of Senate Journal,	22 20
Aug.	1,	Exchange hotel, for board of Alex. Vattermare, -	13 91
	16,	Richmond postoffice, for auditor's postage in July, -	89 02
		Same, for executive postage in July, -	36 73
		Josiah Dillard, for work in enlarging auditor's office,	96 11
		Crutchfield & Trowers, for do. do. -	49 69
		Jno. W. Hill, for do. do. -	41 44
		Rd. Meredith, for do. do. -	4 37
		Jas. Yarrington, for do. do. -	0 63
	17,	Sam'l Shepherd, for binding acts of assembly, -	1,125 00
	18,	H. B. Ford, for carrying the laws, -	118 30
	19,	Rich'd Whig, for publishing exec. proclamations, &c. -	79 25
	25,	J. F. & L. L. Barnes, for repairing gate, -	5 00
	26,	Telegraph office, for executive dispatches, -	2 37
	28,	Van Lew, Smith & Co. for scythe blade, &c. -	4 00
	30,	George G. Browne, for stone posts on square, -	38 25
		Crutchfield & Trowers, for painting in auditor's office,	10 75
		Jas. Yarrington, for shelving presses in do. -	7 52
		Parker, Bayly & Nimmo, for table covers, do. -	7 00
		Isaac P. Frink, for hydrostatic ink founts for exec. -	12 00
	31,	H. B. Ford, for bringing slave from Augusta, -	34 00
Sept.	1,	W. F. & Thos. Ritchie, jr. for advertising in Rich- mond Enquirer for exec., &c. - - -	46 50
	2,	John Ford, for distributing the laws, - - -	257 29
	5,	T. G. Broughton & Son, for exec. sub. Nor. Herald, -	10 00
	12,	John A. Eacho, for distributing the laws, - - -	114 27
		Richmond postoffice, for public postage Aug. '48, -	110 90
	22,	Rich'd Republican, for advertising exec. proclamation, -	2 50
	23,	Thos. Gordon, for carrying the laws, - - -	117 78
	27,	Thos. A. Rust, for chain for square, - - -	25 67

\$10,163 62

The following bills were read the first and ordered to be read a second time, viz:

No. 263. A bill to provide for constructing the Pendleton mountain road.

No. 264. A bill to provide for Macadamizing certain parts of the Staunton and Parkersburg road.

No. 266. A bill to change the place of holding a separate election in the county of Gilmer.

No. 267. A bill to change the place of holding a separate election in the county of Roanoke.

No. 268. A bill to authorize a separate election at the place called the Sycamores in the county of Caroline.

No. 269. A bill to authorize a separate election at the tavern house of Samuel W. Davis, in the county of Lewis.

No. 270. A bill concerning commissioners of sale, and for the collection of money under decrees of courts of chancery.

No. 271. A bill directing surveys and estimates for a railroad from New Market in Shenandoah, to the town of Parkersburg on the Ohio river.

No. 272. A bill to incorporate the Holiday's cove railroad company.

No. 273. A bill to provide for the sale of certain lands acquired for the use of the penitentiary, and for other purposes.

No. 274. A bill abolishing imprisonment for debt.

No. 275. A bill concerning partly proved deeds.

No. 276. A bill authorizing the division and distribution of the real and personal estate of Thomas Robinson in Orange county.

No. 277. A bill for the relief of Forrest Griffith.

No. 278. A bill amending the act, entitled "an act concerning district free schools in the county of Jefferson," passed March 27th, 1848.

No. 279. A bill establishing free schools in the county of Albemarle.

No. 280. A bill to incorporate the stockholders of the Female collegiate institute in the county of Buckingham.

No. 281. A bill concerning the executors of Josiah Tidball deceased, late sheriff of the county of Fauquier.

No. 282. A bill concerning weights and measures.

No. 283. A bill imposing a fee upon persons visiting the interior of the penitentiary.

No. 285. A bill amending the act, entitled "an act concerning the lands of Henry C. Moore of the county of Randolph.

No. 286. A bill authorizing two separate elections in the county of Mathews.

No. 287. A bill to amend the act, entitled "an act to incorporate the Portsmouth and Chesapeake steamboat company."

No. 288. A bill to extend the act passed March the 20th, 1847, entitled "an act incorporating the Alexandria and Harper's Ferry railroad company."

No. 289. A bill concerning the Little's falls railroad company.

No. 290. A bill to amend the act passed March 5th, 1846, entitled "an act to incorporate the South Side railroad company;" and

No. 291. A bill concerning the Smithfield, Charlestown and Harper's Ferry turnpike company.

No. 233. A bill to amend the act, entitled "an act to reduce into one the several acts concerning crimes and punishments and proceedings in criminal cases," was read a second time, amended on motions of Mr. FERGUSON, and Mr. WATSON, and a further amendment was submitted by Mr. LANE of Lee; and the said amendment being under consideration, the house passed to the order of the day, and

No. 124. An engrossed bill to incorporate the Blue Ridge railroad company, and for other purposes, was taken up and read a third time; thereupon a clause, by way of ryder thereto, was submitted by Mr. SMITH, which was twice read, and forthwith engrossed and read a third time; and the question being put upon the passage of the bill and ryder, was determined in the affirmative. Ayes 71, noes 53.

On motion of Mr. RIVES, the vote thereupon was recorded as follows:

AYES—Messrs. Hart, Watson, Smith, Layne of Alleghany, M'Cue, Sheffey, Byrd, Mitchell, Burwell, Faulkner, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, Kyle, Irvine of Campbell, Barbour, Irving of Cumberland, Segar, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Stillman, Wood, Baily, Guerrant, Carroll, Price, Allen, Darracott, Welton, Lancaster, Worthington, Laidley, Ferguson, White, Beard, Harris, Arnett, M'Donald, Clendenin, Tanzey, Beirne of Monroe, Barnett, Perrow, Basye, Pitts, Hiner, Cackley, Fairfax, Harrison of Prince William, Goff, Strother, Mayo, Cook, Dorman, Paxton, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Conway, Burdett, George, Boyers, Massey, Goodson, Collins and Boyd—71.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Boisseau, Powell, Cheatham, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Lacy, Cardwell, Jones, Clarke, Claiborne, Edwards, Sydnor, Clopton, Maclin of Greenville, Stovall, Major, Hiett, Bassel, Boykin, Howard of James City, York and Williamsburg, Thomson of Jefferson, Wallace, Houser, Tomlin, Webb, Edmondson, Newman, Shepard, Coleman, Whittle, Gustin, Kilby, Butt, Cowper, Yerby, Pannill, Buswell, Turner, Syme, Townes, Grasty, Herbert, Wootton, Rives, Martz, Harper, Griffin, Hargrave and Harvey—53.

No. 140. An engrossed bill extending the time that clerks may execute deeds to purchasers of land sold for nonpayment of taxes, was read a third time and passed.

Ordered, That the clerk communicate said bills to the senate, and request their concurrence.

No. 233. The bill to amend the act, entitled "an act to reduce into one the several acts concerning crimes and punishments and proceedings in criminal cases," which was under consideration when the house passed to the order of the day, was taken up on motion of Mr. FERGUSON, and the amendment thereto proposed by Mr. LANE of Lee was disagreed to, and the bill, as previously amended, was ordered to be engrossed and read a third time.

On motion of Mr. STOVALL,

Resolved by the general assembly, That the pay of the clerk of the joint committee on the revision of the civil code shall be the same as the clerks of the standing committees of the house of delegates.

Ordered, That the clerk communicate the said resolution to the senate and request their concurrence.

Mr. MONCURE of Caroline, according to order, presented the following bill:

No. 479. A bill to amend the act appointing trustees of the town of Port Royal in the county of Caroline, with certain powers, passed January 29, 1829.

Mr. WORTHINGTON, in like manner, presented the following bill :

No. 480. A bill amending an act to incorporate the Harper's Ferry and Shenandoah company, passed February 14, 1846.

No. 159. An engrossed bill to enable the James river and Kanawha company to improve the Great Kanawha river for steamboat navigation from the Great falls thereof to the Ohio river, and for other purposes, was, on motion of Mr. LAIDLEY, ordered to be laid upon the table.

No. 158. An engrossed bill making an appropriation for bridges on the Staunton and Parkersburg road, was read a third time and passed.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

A motion was made by Mr. SHEPARD, that the rule of the house be suspended for the purpose of reconsidering the vote by which the house rejected the engrossed bill authorizing a subscription for the commonwealth to the stock of the Lynchburg and Tennessee railroad company, and it was determined in the affirmative. Ayes 79, noes 43.

On motion of Mr. CLAIBORNE, the vote was recorded as follows :

AYES—Messrs. Hart, Smith, Layne of Alleghany, Powell, Cheatham, M'Cue, Sheffey, Byrd, Mitchell, Burwell, Faulkner, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, Kyle, Irvine of Campbell, Lacy, Barbour, Irving of Cumberland, Segar, Thomas, Scott, Rector, Howard of Floyd, Stillman, Claiborne, Baily, Guerrant, Carroll, Darracott, Welton, Bassel, Lancaster, Howard of James City, York and Williamsburg, Worthington, Laidley, Lane of Lee, Ferguson, White, Beard, Harris, Arnett, Shepard, Clendenin, Tanzey, Beirne of Monroe, Barnett, Kilby, Perrow, Robinson, Cowper, Basye, Pitts, Pannill, Buswell, Hiner, Syme, Townes, Grasty, Fairfax, Goff, Strother, Mayo, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Burdett, George, Boyers, Goodson, Collins and Boyd—79.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Boisseau, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Cardwell, Jones, Clarke, Edwards, Wood, Sydnor, Clopton, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Boykin, Thomson of Jefferson, Wallace, Houser, Tomlin, Webb, Edmondson, Newman, M'Donald, Coleman, Whittle, Gustin, Butt, Yerby, Turner, Herbert, Wootton, Rives, Harrison of Prince William, Griffin, Hargrave, Massey and Harvey—43.

The question recurred upon the passage of the bill; thereupon a clause, by way of ryder thereto, was submitted by Mr. SHEPARD, which was read the first time.

A motion was made by Mr. PAXTON, that the bill and proposed ryder be laid upon the table, and made the order of the day for to-morrow at 11 o'clock; thereupon Mr. CLAIBORNE demanded that the main question be now put.

And then, on motion of Mr. PAXTON, the house adjourned until to-morrow 10 o'clock.

THURSDAY, MARCH 1, 1849.

Prayer by the Rev. EDWARD KINGSFORD of the Baptist church.

A communication from the senate, by their clerk, was read as follows :

IN SENATE, FEBRUARY 26, 1849.

The senate have passed the bill, entitled

"An act divorcing Cynthia A. Calloway from her husband James G. Calloway." (No. 47.)

They have also passed the bills, entitled

"An act authorizing in certain cases the transfer or removal of money or other personal property from the state," (No. 31;) and

"An act divorcing Sarah W. Williams from her husband John W. Williams," (No. 190,) with amendments, in which they request the concurrence of the house of delegates.

The said amendments to the last bill being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

The said amendments to the first bill amended being read, a motion was made by Mr. SHEPARD to amend the same, and then, on motion of Mr. WATSON, the bill and proposed amendments were laid upon the table.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bill :

No. 481. A bill to authorize a subscription on behalf of the commonwealth to the capital stock of the Virginia and Maryland bridge company.

Mr. HERBERT, from the committee on agriculture and manufactures, presented reports upon the resolution for altering the laws in regard to the inspection of flour; and upon the petition of citizens of the county of Ohio, for a tax on sheep in said county.

Mr. TOMLIN presented certain documents as evidence to support the petition of James Harrison, which were ordered to be referred to the committee for courts of justice.

Mr. LAYNE of Alleghany presented a petition of citizens of the counties of Alleghany and Monroe, praying for the incorporation of a joint stock company to construct a road from the Red springs in Alleghany, to Shirkey's mill in the county of Botetourt, which was ordered to be referred to the committee of roads and internal navigation.

Mr. THOMSON of Jefferson presented a petition of citizens of the county of Jefferson, for an appropriation for the construction of a bridge over the Potomac river at Shepherdstown, which was ordered to be laid upon the table.

Mr. FAIRFAX presented a petition of citizens of the county of Preston, asking that Catharine Panham, a free woman of colour, may be permitted to remain in the commonwealth, which was ordered to be referred to the committee for courts of justice.

Also a petition of citizens of the same county, for the incorporation of the town of Fellowsville, which was ordered to be referred to the committee of propositions and grievances.

On motion of Mr. BORISSEAU, leave was given to withdraw the petition and documents of Billy Stuart, a man of colour, presented at the last session of the general assembly.

On motion of Mr. SHEFFEY, leave was given to withdraw the plat and survey of the town of Staunton, presented at the last session of the general assembly.

On motion of Mr. KILBY,

Ordered, That the committee for courts of justice be discharged from the consideration of the petition of William W. Wright, and that the same be laid upon the table.

On motion of Mr. FAULKNER,

Resolved, That the subject of international exchanges, so far as this state has by its former legislation become committed to the system, be referred to the joint committee on the public library.

Mr. ROBINSON submitted the following resolution, which, on motion of Mr. STOVALL, was ordered to be laid upon the table:

Resolved, That from and after the 5th of March, no new business shall be introduced into this house.

On motion of Mr. MARTZ,

Ordered, That leave be given to bring in a bill to amend the charter of the town of Harrisonburg in the county of Rockingham; and that Messrs. Martz, Sibert, Wood, Pitts and Harper prepare and bring in the same.

On motion of Mr. LAIDLEY,

Resolved, That a select committee be appointed to bring in a bill extending the act incorporating the Richmond and Ohio railroad company.

And a committee was appointed of Messrs. Laidley, Price, Syme, Harris, Guerrant, Stovall and Mayo.

On motion of Mr. SHEFFEY, the following resolution was taken up and read:

Whereas by the joint resolution, passed March 18th, 1847, it is made the duty of the public printer to deliver to the members and officers of the general assembly, and the other officers of government, the reports of public officers, visitors, superintendents, agents, &c., in octavo form and bound in boards, on the first day of the annual session of said assembly; and whereas great hindrance to the legislation of the general assembly arises from the delay in the delivery of said reports:

1. *Be it therefore resolved by the general assembly*, That instead of delivering said reports bound, the public printer be directed to print and deliver to each member of the general assembly, three copies of each of said reports, unbound and in numbers, on the first day of the annual session of said assembly, and one copy to each of the officers of the general assembly and the other officers of the government, and that in other respects he comply with the joint resolutions on the subject passed on the 18th March 1847 and on the 7th December 1848; except that he shall, at the end of the session, deliver to the governor fifty copies of the reports and public documents, bound together, and a like number of copies of the journals, to be distributed according to

the resolution of the 18th March 1847; and that he print and deliver to the secretary of the commonwealth, for distribution, an additional number of copies, sufficient to supply one copy of the journals and one copy of the public reports and documents to each of the colleges in this commonwealth, to the Virginia military institute, to each of the asylums for the maintenance and cure of insane persons, and to the institution for the education of the deaf and dumb and of the blind.

2. *Be it further resolved*, That the clerk of the house of delegates be directed to file for preservation one printed copy of each bill instead of the number now required.

On motion of Mr. SHEFFEY, the said resolution was amended, by substituting therefor the following:

1. *Resolved by the general assembly*, That the public printer be directed to print and deliver to each member of the general assembly, and to each of the officers of government and of the general assembly, on the first day of the annual session of said assembly, five extra copies, in numbers and unbound, of the following reports: of the first and second auditors; of the superintendent of the Literary fund; of the treasurer; of the asylums for the insane; of the deaf, mute and blind institution; of the Virginia military institute; of the James river and Kanawha company; and of the banks.

2. *Resolved*, That the public printer deliver, as soon as practicable after the end of each session of said assembly, to the governor, fifty copies of the journals of the general assembly, and of the reports and public documents, to be distributed in accordance with the resolution of the 18th of March 1847; and that he print and deliver to the secretary of the commonwealth, for distribution, an additional number of copies, sufficient to supply one copy of the journals and one copy of the reports and documents, to each of the colleges in this commonwealth; to the Virginia military institute; to each of the asylums for the insane; and to the institution for the education of the deaf and dumb and of the blind; and that in other respects he comply with the resolutions of the 18th of March 1847, and of the 7th of December 1848.

3. *Resolved*, That the clerk of the house of delegates be directed to file for preservation one printed copy of each bill, instead of the number now required.

The said resolution as amended was agreed to, and it was ordered that the clerk communicate the same to the senate and request their concurrence.

No. 159. An engrossed bill authorizing a subscription for the commonwealth to the stock of the Lynchburg and Tennessee railroad company, was taken up, and the motions which were pending when the house adjourned on yesterday, were with the consent of the house withdrawn; the ryder offered by Mr. SHEPARD is the following:

"*Be it further enacted*, That six per centum upon so much of the state's stock in the Virginia and Tennessee railroad company, as shall have been paid in for the use of said company, shall be annually set apart and paid by the company out of such portion of surplus profits,

arising from said railroad, as the condition and wants of the said railroad will admit of being divided, and the remainder of such surplus shall be divided among the private or individual stockholders of the said company: *Provided*, That any interest which the state may be required to pay by virtue of the provisions of this act, shall be refunded out of said surplus profits before any division shall be made amongst the private or individual stockholders of said company."

The question recurred upon reading the ryder a second time, and was determined in the negative. Ayes 45, noes 79.

On motion of Mr. RIVES, the vote thereupon was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Boisseau, Byrd, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Lacy, Cardwell, Jones, Clarke, Thomas, Claiborne, Edwards, Sydnor, Clopton, Guerrant, Maclin of Greenville, Stovall, Major, Hiatt, Boykin, Howard of James City, York and Williamsburg, Wallace, Tomlin, Webb, Harris, Edmondson, Newman, Shepard, Coleman, Gustin, Kilby, Butt, Yerby, Turner, Herbert, Wootton, Rives, Harrison of Prince William, Pitman, Griffin, Hargrave and Harvey—45.

NOES—Messrs. Nock, Hart, Watson, Smith, Layne of Alleghany, Powell, Cheatham, M'Cue, Sheffey, Mitchell, Burwell, Faulkner, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, Kyle, Moore, Wills, Irvine of Campbell, Barbour, Irving of Cumberland, Segar, Scott, Rector, M'Clung, Howard of Floyd, Stillman, Wood, Baily, Carroll, Price, Allen, Darracott, Welton, Bassel, Lancaster, Worthington, Thomson of Jefferson, Lane of Lee, Ferguson, White, Beard, Arnett, M'Donald, Clendenin, Tanzey, Beirne of Monroe, Barnett, Perrow, Robinson, Cowper, Pitts, Pannill, Buswell, Hiner, Syme, Townes, Grasty, Cackley, Fairfax, Goff, Strother, Mayo, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Sibert, Thompson of Smyth, Burdett, George, Boyers, Massey, Goodson, Collins and Boyd—79.

The question recurred upon the passage of the bill, and was determined in the negative. Ayes 8, noes 117.

On motion of Mr. RIVES, the vote was recorded as follows:

AYES—Messrs. Scott, Price, Bassel, Worthington, Clendenin, Syme, Fugate and George—8.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Hart, Watson, Smith, Layne of Alleghany, Boisseau, Powell, Cheatham, M'Cue, Sheffey, Byrd, Mitchell, Burwell, Faulkner, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moore, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Segar, Clarke, Thomas, Rector, M'Clung, Howard of Floyd, Stillman, Claiborne, Edwards, Wood, Sydnor, Baily, Clopton, Guerrant, Carroll, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Darracott, Welton, Lancaster, Boykin, Howard of James City, York and Williamsburg, Thomson of Jefferson, Wallace, Houser, Tomlin, Webb, Lane of Lee, White, Beard, Harris, Edmondson, Newman, Barnett, M'Donald, Shepard, Coleman, Whittle, Tanzey, Beirne of Monroe, Arnett, Gustin, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Pitts, Pannill, Buswell, Turner, Hiner, Townes, Grasty, Cackley, Fairfax, Herbert, Wootton, Rives, Harrison of Prince William, Goff, Strother, Mayo, Cook, Dorman, Paxton, Martz, Harper, Aston, Pitman, Sibert, Thompson of Smyth, Griffin, Hargrave, Burdett, Boyers, Massey, Goodson, Harvey, Collins and Boyd—117.

Resolved, That said bill be rejected.

A motion was then made by Mr. ROBINSON, that the rule of the house be suspended, for the purpose of reconsidering the vote rejecting said bill, and it was determined in the affirmative. Ayes 73, noes 55.

On motion of Mr. RIVES, the vote was recorded as follows:

AYES—Messrs. Hart, Smith, Layne of Alleghany, Powell, Cheatham, M'Cue, Sheffey, Mitchell, Burwell, Faulkner, Hudson, Byrne of Braxton, Lewis and Gilmer, Kyle, Moore, Wills, Irvine of Campbell, Barbour, Irving of Cumberland, Segar, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Stillman, Claiborne, Baily, Guerrant, Carroll, Price, Darracott, Welton, Bassel, Lancaster, Worthington, Laidley, Lane of Lee, Ferguson, White, Beard, Arnett, Clendenin, Tanzey, Beirne of Monroe, Barnett, Perrow, Robinson, Cowper, Pitts, Pannill, Hiner, Syme, Townes, Grasty, Fairfax, Goff, Strother, Mayo, Cook, Dorman, Martz, Harper, Aston, Fugate, Pittman, Sibert, Thompson of Smyth, Conway, Burdett, George, Boyers, Goodson and Boyd—73.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Boisseau, Byrd, Boak, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Lacy, Cardwell, Jones, Clarke, Edwards, Wood, Sydnor, Clopton, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Boykin, Howard of James City, York and Williamsburg, Thomson of Jefferson, Wallace, Houser, Tomlin, Webb, Harrison of Loudoun, Harris, Edmondson, Newman, M'Donald, Shepard, Coleman, Whittle, Gustin, Kilby, Butt, Yerby, Buswell, Turner, Cackley, Herbert, Wootton, Rives, Harrison of Prince William, Griffin, Moncure of Stafford, Hargrave, Massey, Harvey and Collins—55.

Mr. DORMAN submitted a ryder, which was read the first time, and then on his motion the said bill and ryder were laid upon the table, and made the order of the day for to-morrow at 11 o'clock.

On motion of Mr. DORMAN, the said ryder was ordered to be printed.

MESSRS. TOWNES, ROBINSON, STOVALL and YERBY, each submitted amendments intended to be proposed by them to said ryder, which were also ordered to be printed.

No. 176. An engrossed bill authorizing the state's guarantee to certain bonds of the James river and Kanawha company, was read a third time, and on motion of Mr. MAYO, ordered to be laid upon the table, and on motion of Mr. PITTS, the bill was ordered to be printed.

The following bills were read the first, and ordered to be read a second time, viz:

No. 292. A bill directing a subscription on behalf of the commonwealth to the increased capital of the Louisa railroad company.

No. 293. A bill to authorize an additional subscription for the commonwealth to the capital stock of the New Shenandoah company.

No. 294. A bill to exempt a company in the 107th regiment from attending the regimental muster of said regiment.

No. 295. A bill to renew the charter of the Swift run gap turnpike.

No. 296. A bill concerning Abby B. Hopkins and children.

No. 298. A bill concerning the heirs at law of Dr. Alexander Gordon deceased.

299. A bill concerning John M. Fergusson, sergeant and jailor of the city of Richmond.

No. 300. A bill to define the pay of commissioners of wrecks, and for other purposes; and

No. 301. A bill concerning office copies of certain deeds.

No. 177. An engrossed bill to complete the Sistersville and Salem turnpike road, was read a third time and passed. Ayes 68, noes 37. On motion of Mr. PITTS, the vote was recorded as follows:

AYES—Messrs. Hart, Watson, Smith, Layne of Alleghany, M'Cue, Sheffey, Mitchell, Burwell, Byrne of Braxton, Lewis and Gilmer, De Camps, Kyle, Irvine of Campbell, Barbour, Irving of Cumberland, Scott, Rector, M'Clung, Howard of Floyd, Sydnor, Baily, Carroll, Allen, Hiatt, Welton, Bassel, Lancaster, Worthington, Thomson of Jefferson, Laidley, Lane of Lee, Ferguson, White, Beard, Arnett, M'Donald, Clendenin, Tanzey, Beirne of Monroe, Barnett, Gustin, Perrow, Robinson, Pitts, Buswell, Hiner, Syme, Cackley, Fairfax, Goff, Strother, Mayo, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Burdett, George, Boyers, Massey, Goodson, Collins and Boyd—68.

NOES—Messrs. Finney, Nock, Boisseau, Maclin of Brunswick, Lacy, Cardwell, Jones, Clarke, Thomas, Stillman, Edwards, Clopton, Maclin of Greensville, Stovall, Major, Howard of James City, York and Williamsburg, Wallace, Houser, Tomlin, Webb, Edmondson, Newman, Shepard, Coleman, Kilby, Butt, Cowper, Yerby, Basye, Turner, Townes, Grasty, Herbert, Wootton, Rives, Griffin and Hargrave—37.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

No. 178. An engrossed bill further to provide for constructing the road from the Richlands in Tazewell to the Kentucky line, was read a third time, and the question being upon its passage, and the affirmative side having been put, Mr. HERBERT asked that the vote be recorded in the journal; Mr. SYME raised the point of order, that it was not competent to call the ayes and noes after the affirmative vote had been given. The SPEAKER, (Mr. SHEFFEY being in the chair,) decided that it was in order, and thereupon Mr. SYME appealed from the decision of the chair, and the question being put "Shall the decision of the chair stand as the judgment of the house?" it was sustained by the house.

The question was again put upon the passage of said bill, and was determined in the affirmative. Ayes 62, noes 38.

On motion of Mr. HERBERT, the vote was recorded as follows:

AYES—Messrs. Watson, Smith, Layne of Alleghany, M'Cue, Sheffey, Byrd, Mitchell, Burwell, Byrne of Braxton, Lewis and Gilmer, De Camps, Kyle, Irvine of Campbell, Barbour, Irving of Cumberland, Scott, Rector, M'Clung, Howard of Floyd, Baily, Carroll, Allen, Welton, Bassel, Lancaster, Worthington, Thomson of Jefferson, Laidley, Lane of Lee, Ferguson, Beard, Arnett, M'Donald, Clendenin, Tanzey, Beirne of Monroe, Barnett, Perrow, Robinson, Pitts, Buswell, Hiner, Syme, Cackley, Goff, Strother, Mayo, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Burdett, George, Boyers, Massey, Goodson, Collins and Boyd—62.

NOES—Messrs. Finney, Nock, Boisseau, Moncure of Caroline, Lacy, Cardwell, Jones, Clarke, Thomas, Stillman, Edwards, Sydnor, Clopton, Stovall, Major, Howard of James City, York and Williamsburg, Wallace, Houser, Tomlin, Webb, Edmondson, Shepard, Coleman, Kilby, Butt, Cowper, Yerby, Basye, Turner, Townes, Grasty, Herbert, Wootton, Rives, Harrison of Prince William, Griffin, Hargrave and Harvey—38.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

No. 179. An engrossed bill to incorporate the Moorfield and Alleghany turnpike company, was read a third time and passed. Ayes 67, noes 33.

On motion of Mr. RIVES, the vote was recorded as follows :

AYES—Messrs. Hart, Watson, Smith, Layne of Alleghany, M'Cue, Sheffey, Byrd, Mitchell, Burwell, Faulkner, Byrne of Braxton, Lewis and Gilmer, De Camps, Kyle, Irvine of Campbell, Barbour, Irving of Cumberland, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Baily, Carroll, Price, Allen, Hiett, Welton, Bassel, Lancaster, Worthington, Thomson of Jefferson, Laidley, Lane of Lee, White, Beard, M'Donald, Clendenin, Tanzey, Beirne of Monroe, Barnett, Gustin, Perrow, Robinson, Pitts, Buswell, Turner, Hiner, Townes, Cackley, Fairfax, Goff, Strother, Mayo, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, George, Boyers, Massey, Collins and Boyd—67.

NOES—Messrs. Finney, Nock, Boisseau, Harrison of Brunswick, Moncure of Caroline, Lacy, Jones, Clarke, Stillman, Edwards, Sydnor, Clopton, Stovall, Major, Howard of James City, York and Williamsburg, Wallace, Houser, Tomlin, Edmondson, Shepard, Coleman, Kilby, Butt, Cowper, Yerby, Grasty, Herbert, Wootton, Rives, Harrison of Prince William, Griffin, Hargrave and Harvey—33.

Ordered, That the clerk communicate said bill to the senate and request their concurrence.

No. 180. An engrossed bill, providing for the construction of a bridge across Powel's river on the Cumberland gap and Price's turnpike road, was read a third time, and the question being put upon its passage, was determined in the negative. Ayes 36, noes 59.

On motion of Mr. RIVES, the vote was recorded as follows :

AYES—Messrs. Smith, Layne of Alleghany, M'Cue, Sheffey, Burwell, Hudson, Byrne of Braxton, Lewis and Gilmer, De Camps, Kyle, Rector, M'Clung, Baily, Carroll, Allen, Welton, Lane of Lee, Ferguson, M'Donald, Clendenin, Tanzey, Pitts, Hiner, Cackley, Fairfax, Goff, Strother, Mayo, Dorman, Aston, Fugate, Sibert, Thompson of Smyth, George, Boyers, Collins and Boyd—36.

NOES—Messrs. Finney, Nock, Watson, Boisseau, Byrd, Mitchell, Faulkner, Harrison of Brunswick, Irvine of Campbell, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Clarke, Thomas, Scott, Stillman, Edwards, Sydnor, Clopton, Stovall, Major, Hiett, Darracott, Howard of James City, York and Williamsburg, Worthington, Laidley, Wallace, Houser, Tomlin, Webb, White, Edmondson, Newman, Shepard, Coleman, Gustin, Kilby, Butt, Yerby, Turner, Syme, Townes, Grasty, Herbert, Wootton, Rives, Harrison of Prince William, Cook, Martz, Harper, Pitman, Griffin, Hargrave, Burdett, Massey and Harvey—59.

Resolved, That said bill be rejected.

On motion of Mr. KILBY, the house adjourned until to-morrow 10 o'clock.

FRIDAY, MARCH 2, 1849.

Prayer by the Rev. JEREMIAH B. JETER of the Baptist church.

A communication from the senate by their clerk was read as follows :

IN SENATE, FEBRUARY 27, 1849.

The senate have passed the bills, entitled

"An act to authorize the common council of Alexandria to subscribe to the stock of the Orange and Alexandria railroad company," (No. 130;) and

"An act authorizing the proprietors of the road constructed by Brightberry Brown of the county of Albemarle, under authority of an act passed the 3d day of January 1800, to change its location, and for other purposes."

They have also passed the bill, entitled

"An act imposing taxes for the support of government," with amendments, in which they request the concurrence of the house of delegates.

On motion of Mr. MARTZ, the said bill and proposed amendments were ordered to be laid upon the table.

Mr. WORTHINGTON, from the committee for courts of justice, reported without amendment, the following bill :

No. 155. A bill divorcing James B. Harrison from his wife Sarah C. Harrison, and for other purposes.

And presented the following bill :

No. 482. A bill divorcing Henry C. Moore from his wife Elizabeth.

Mr. JONES, from the committee of propositions and grievances, presented the following bill :

No. 483. A bill authorizing a separate election for the county of York, at the Raleigh tavern in the City of Williamsburg.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented a report upon the resolution for amending the act establishing a ferry between Norfolk and Portsmouth; and presented the following bills :

No. 484. A bill to amend the act incorporating the Harrisville turnpike company, and to increase the state subscription to the capital stock of the company.

No. 485. A bill to incorporate the Knobly valley turnpike company; and

No. 486. A bill making a further appropriation to the Northwestern turnpike road.

Mr. MARTZ, from the committee of finance, presented the following bill :

No. 487. A bill concerning Fenton G. North of the county of Charlotte.

Mr. MARTZ, also according to order, presented the following bill :

No. 488. A bill to incorporate the town of Harrisonburg in the county of Rockingham.

Mr. HERBERT, from the committee on agriculture and manufactures,

presented reports upon the petitions of woolgrowers of the county of Ohio, and of millers in the counties of Amherst, Roanoke, Appomattox and Buckingham, relative to the inspection of flour.

On motion of Mr. HOWARD of Williamsburg,

Ordered, That leave be given to bring in a bill to incorporate the trustees of the Williamsburg academy, and that Messrs. Howard of Williamsburg, Lacy, Burwell, Segar and Boykin prepare and bring in the same.

Mr. JONES presented a petition of John B. Clopton and Richard W. Flournoy, praying for a change of the time for holding the spring term of the circuit court of the county of Chesterfield, which was ordered to be referred to a committee of Messrs. Jones, Wootton, Boisseau, Whittle, Cheatham and Booth.

No. 196. An engrossed bill to provide for constructing, on state account, a turnpike road from Alleghany county to the Staunton and Parkersburg road, was read a third time; and the question being put upon its passage, was determined in the affirmative. Ayes 55, noes 46.

On motion of Mr. BOISSEAU, the vote was recorded as follows:

AYES—Messrs. Watson, Smith, Layne of Alleghany, M'Cue, Mitchell, Burwell, Faulkner, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, De Camps, Moore, Wills, Scott, Rector, M'Clung, Howard of Floyd, Baily, Price, Bassel, Lancaster, Worthington, Thomson of Jefferson, Laidley, Ferguson, White, Beard, Arnett, Clendenin, Tanzey, Beirne of Monroe, Perrow, Pitts, Hiner, Syme, Cackley, Goff, Strother, Mayo, Cook, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Burdett, George, Boyers, Massey, Goodson, Collins and Boyd—55.

NOES—Messrs. Hopkins, (speaker,) Finney, Boisseau, Cheatham, Maclin of Brunswick, Kyle, Irvine of Campbell, Moncure of Caroline, Lacy, Cardwell, Jones, Thomas, Stillman, Claiborne, Edwards, Sydnor, Clopton, Guerant, Carroll, Maclin of Greenesville, Stovall, Major, Darracott, Boykin, Howard of James City, York and Williamsburg, Wallace, Tomlin, Webb, Harris, Newman, Shepard, Coleman, Kilby, Butt, Cowper, Yerby, Basye, Turner, Grasty, Herbert, Wootton, Rives, Harrison of Prince William, Hargrave, Nicholson and Harvey—46.

Ordered, That the clerk communicate said bill to the senate, and request their concurrence.

On motion of Mr. PRICE,

Ordered, That leave be given to bring in a bill modifying the law directing the appointment of state directors in joint stock companies, and that Messrs. Price, Rives, M'Cue, Townes, Martz, Edwards, Boyd and Irvine of Campbell prepare and bring in the same.

On motion of Mr. MASSEY,

Resolved, That all debate on the Virginia and Tennessee railroad, with its various appendages, shall conclude at one o'clock to-day.

Mr. FAULKNER, from the committee on the library, presented the following bill:

No. 489. A bill to enlarge the accommodation for the state library, and for other purposes.

The following engrossed bills were read a third time and passed:

No. 194. A bill concerning the taking of oysters in York, Poquosin and Back rivers.

No. 198. A bill to incorporate the Pamunkey navigation company.

No. 442. A bill to establish a system of district free schools for King George county.

No. 472. A bill to amend an act providing for the erection of a monument to Washington.

No. 199. A bill providing for the attendance of witnesses before commissioners of assessment for railroad companies; and

No. 207. A bill concerning executors who have qualified without giving security.

Ordered, That the clerk communicate said bills to the senate, and request their concurrence.

No. 209. A bill to amend the act, entitled "an act to reduce into one the several acts concerning crimes and punishments and proceedings in criminal cases," was, on motion of Mr. PRICE, ordered to be laid upon the table.

The following bills were read a second time, amended on motions severally made, and as amended, ordered to be engrossed and read a third time, viz :

No. 209. A bill to amend an act, entitled "an act amending the act regulating proceedings in suits against corporations."

No. 215. A bill concerning the Berryville and Charlestown turnpike company.

No. 216. A bill to amend the act passed March 25, 1848, incorporating the Kingwood and West Union turnpike company.

No. 217. A bill to amend the act incorporating the Orange and Alexandria railroad company, passed March 27, 1848; and

No. 235. A bill to suspend on certain conditions the payment of interest on the loan to Emory and Henry college.

No. 96. The bill, entitled "an act imposing taxes for the support of government," with the amendments thereto proposed by the senate, was taken upon motion of Mr. STOVALL; and the said amendments being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

The following bills were read a second time, and ordered to be engrossed and read a third time, viz :

No. 210. A bill concerning nonresident parties to suits.

No. 212. A bill to incorporate the Winchester and Harper's Ferry telegraph company.

No. 213. A bill to incorporate the Philippi and Buchanan turnpike company.

No. 214. A bill to amend the act passed March 10th, 1847, incorporating the Monongahela navigation company.

No. 218. A bill increasing the compensation of the commissioners of the city of Richmond.

No. 219. A bill to incorporate the Blacksburg savings institution in the county of Montgomery.

No. 220. A bill to extend the charter of the Franklin society and library company of Lexington.

No. 221. A bill releasing to Washington Skelton a certain fine imposed by the circuit superior court of law and chancery for King & Queen county.

No. 222. A bill concerning John E. Baker, adjutant of the 25th regiment of Virginia militia.

No. 223. A bill concerning the heirs and distributees of John Wood-sides deceased.

No. 224. A bill authorizing the county court of Chesterfield to reassess the lands of the Creek company of colliers.

No. 225. A bill concerning George W. Snelling, deputy of W. W. Hancock, sheriff of Chesterfield county.

No. 226. A bill to incorporate the Rapid Ann mining and manufacturing company.

No. 227. A bill to incorporate the Fluvanna gold mining company.

No. 228. A bill incorporating the Northeast gold mining company.

No. 229. A bill to incorporate the Spottsylvania gold mining company.

No. 230. A bill changing the name of the Striderian manufacturing company; and

No. 231. A bill to incorporate the Pocahontas savings bank.

No. 232. A bill establishing and regulating rates of pilotage in certain of the waters of Virginia, was, on motion of Mr. SEGAR, ordered to be laid upon the table.

The following bills were also read a second time, and ordered to be engrossed and read a third time, viz:

No. 233.* A bill for the relief of Leroy M. Wilson.

No. 234. A bill for the relief of J. D. Imboden, as treasurer of schools for Augusta county; and

No. 233. A bill providing for taking the sense of the citizens of Middlesex county upon the removal of the seat of justice for said county.

No. 122. An engrossed bill authorizing subscriptions for the commonwealth to the stock of the Lynchburg and Tennessee railroad company, with the ryder thereto proposed by Mr. DORMAN, was taken up; the ryder was then read a second time, and amended on motions of Mr. SHEFFEY.

A motion was then made by Mr. TOWNES to amend the said ryder by inserting at the end thereof the following:

"Be it further enacted, That the Richmond and Danville railroad company are hereby authorized and empowered, at the option of said company, to construct a branch of their railroad from any point on the same to the line of the Virginia and Tennessee railroad, and to connect therewith at any point from the town of Lynchburg in Campbell county to the Tennessee line, or at any intermediate place between said points, at the discretion of the Richmond and Danville railroad company.

"Be it further enacted, That the Virginia and Tennessee railroad company shall not subject the Richmond and Danville railroad company to any charge for such connection, shall receive all tonnage and passengers that may be brought to them by the said last mentioned company, and transport the said tonnage and passengers upon the same terms that they charge for tonnage and passengers on their own road; and moreover shall deliver to the said Richmond and Danville railroad company, at the point of intersection aforesaid, all such tonnage and

passengers as may be ordered to be so delivered, or required to be transported on the Richmond and Danville railroad."

The said amendment was amended on motion of Mr. SHEFFEY, by adding thereto the following :

"*Provided however*, That the Richmond and Danville railroad company shall not be entitled to make such connection, unless the same shall be commenced within five years from the passage of this act, and be completed within ten years."

A motion was then made by Mr. PERROW to amend the said amendment, by adding thereto the following :

"*And be it further enacted*, That the Louisa railroad company may and shall have power to construct a branch of their road from Charlottesville, or from some point west of Charlottesville, to the town of Lynchburg or to Buchanan ; and for that purpose may open books of subscription, from time to time, until private stock shall be subscribed to the amount of \$ 240,000, and three fourths thereof paid or secured to be paid ; and upon satisfactory evidence thereof being adduced to said board of such payment or security, the Board of public works shall subscribe to said work the sum of \$ 360,000 ; and the said road shall in all things be constructed, furnished and put into operation under the provisions of the charter of the Louisa railroad."

And the question being put thereupon, was determined in the negative. Ayes 17, noes 104.

On motion of Mr. PERROW, the vote was recorded as follows :

AYES—Messrs. Hart, Watson, Smith, Powell, De Camps, Barbour, Thomas, Scott, Harris, Barnett, Perrow, Pitts, Harrison of Prince William, Strother, Sibert, Thompson of Smyth, and Goodson—17.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Layne of Alleghany, Boisseau, Cheatham, M'Cue, Sheffey, Byrd, Mitchell, Burwell, Faulkner, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moore, Wills, Irvine of Campbell, Moncure of Caroline, Cardwell, Jones, Irving of Cumberland, Segar, Clarke, M'Clung, Howard of Floyd, Stillman, Claiborne, Edwards, Wood, Sydnor, Baily, Clopton, Guerrant, Carroll, Price, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Darracott, Bassel, Lancaster, Boykin, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Houser, Tomlin, Webb, Lane of Lee, Ferguson, White, Beard, Edmondson, Newman, Arnett, M'Donald, Clendenin, Coleman, Tanzey, Beirne of Monroe, Gustin, Kilby, Robinson, Butt, Cowper, Yerby, Basye, Pannill, Buswell, Turner, Hiner, Syme, Townes, Grasty, Cackley, Fairfax, Herbert, Wootton, Rives, Mayo, Cook, Dorman, Paxton, Martz, Harper, Fugate, Pitman, Griffin, Hargrave, Nicholson, Burdett, George, Boyers, Massey, Harvey, Collins and Boyd—104.

The question recurred upon the amendment proposed by Mr. TOWNES, as amended, and was determined in the negative. Ayes 37, noes 81.

On motion of Mr. PERROW, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Boisseau, Faulkner, De Camps, Maclin of Brunswick, Cardwell, Jones, Howard of Floyd, Claiborne, Edwards, Sydnor, Carroll, Maclin of Greenville, Hiatt, Lancaster, Boykin, Howard of James City, York and Williamsburg, Thomson of Jefferson, Tomlin, Edmondson, Clendenin, Coleman, Barnett, Gustin, Turner, Townes, Grasty,

Fairfax, Wootton, Mayo, Dorman, Aston, Sibert, Thompson of Smyth, Griffin, Massey and Goodson—37.

NOES—Messrs. Finney, Nock, Hart, Watson, Smith, Layne of Alleghany, Powell, Cheatham, M'Cue, Sheffey, Byrd, Mitchell, Burwell, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, Harrison of Brunswick, Kyle, Moore, Wills, Irvine of Campbell, Moncure of Caroline, Barbour, Irving of Cumberland, Segar, Clarke, Thomas, Scott, M'Clung, Stillman, Wood, Clopton, Guerrant, Price, Allen, Darracott, Bassell, Worthington, Laidley, Wallace, Houser, Webb, Lane of Lee, Ferguson, White, Beard, Harris, Newman, Arnett, Shepard, Tanzey, Beirne of Monroe, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Basye, Pitts, Pannill, Buswell, Hiner, Syme, Cackley, Herbert, Rives, Harrison of Prince William, Goff, Cook, Martz, Harper, Fugate, Pitman, Hargrave, Nicholson, George, Boyers, Harvey, Collins and Boyd—81.

MR. BURWELL then demanded that the main question be now put, and it was determined in the negative. Ayes 53, noes 71.

On motion of **MR. YERBY**, the vote was recorded as follows :

AYES—Messrs. Hart, Smith, Layne of Alleghany, Powell, M'Cue, Sheffey, Byrd, Mitchell, Burwell, Hudson, Byrne of Braxton, Lewis and Gilmer, Kyle, Wills, Irvine of Campbell, Irving of Cumberland, Segar, Rector, M'Clung, Howard of Floyd, Claiborne, Baily, Bassel, Lancaster, Worthington, Laidley, Lane of Lee, Ferguson, Tanzey, Beirne of Monroe, Barnett, Robinson, Basye, Hiner, Syme, Grasty, Cackley, Goff, Strother, Mayo, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, George, Boyers, Goodson and Boyd—53.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Watson, Boisseau, Faulkner, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moore, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Clarke, Thomas, Scott, Stillman, Edwards, Wood, Sydnor, Clopton, Guerrant, Carroll, Price, Maclin of Greenville, Stovall, Major, Allen, Hiett, Darracott, Boykin, Howard of James City, York and Williamsburg, Thomson of Jefferson, Wallace, Houser, Tomlin, Webb, White, Beard, Harris, Edmondson, Newman, Arnett, M'Donald, Shepard, Clendenin, Coleman, Gustin, Kilby, Perrow, Butt, Cowper, Yerby, Pannill, Buswell, Turner, Townes, Fairfax, Herbert, Wootton, Rives, Harrison of Prince William, Griffin, Hargrave, Nicholson, Burdett, Massey, Harvey and Collins—71.

A motion was then made by **MR. YERBY** to amend the ryder by inserting at the end thereof the following :

"Be it further enacted, That the authority heretofore given to the Board of public works to construct the Southwestern turnpike road on state account, except so far as the said board have actually entered into contracts for the same, is hereby revoked."

And the question being put thereupon, was determined in the affirmative. Ayes 74, noes 49.

On motion of **MR. YERBY**, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Finney, Nock, Watson, Smith, Boisseau, Cheatham, Faulkner, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Clarke, Thomas, Scott, Stillman, Edwards, Sydnor, Clopton, Price, Maclin of Greenville, Stovall, Major, Allen, Hiett, Darracott, Boykin, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Houser, Tomlin, Webb, White, Beard, Harris, Edmondson, Newman, M'Donald, Shepard, Coleman, Tanzey, Gustin,

Kilby, Perrow, Butt, Cowper, Yerby, Pannill, Buswell, Turner, Townes, Grasty, Fairfax, Herbert, Wootton, Rives, Harrison of Prince William, Martz, Harper, Griffin, Hargrave, Nicholson, Burdett, Boyers, Massey, Harvey and Collins—74.

NOES—Messrs. Hart, Layne of Alleghany, Powell, M'Cue, Sheffey, Byrd, Mitchell, Burwell, Boak, Hudson, Kyle, Moore, Wills, Irvine of Campbell, Irving of Cumberland, Segar, M'Clung, Howard of Floyd, Wood, Baily, Guerant, Carroll, Lancaster, Laidley, Lane of Lee, Ferguson, Clendenin, Beirne of Monroe, Barnett, Robinson, Basye, Pitts, Hiner, Syme, Cackley, Goff, Strother, Mayo, Cook, Dorman, Paxton, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, George, Goodson and Boyd—49.

The question recurred upon engrossing the ryder as amended; the same is the following:

"And be it further enacted, That for the purpose of constructing a railroad from the town of Buchanan to some fit point on the Virginia and Tennessee railroad, to be determined on by the company hereinafter named, under the provisions of this act, it shall be lawful to open books of subscription at Buchanan, under the direction of _____; at Salem, under the direction of _____, or any two or more of them, and at such other place or places, under the direction of such agents or deputies as a majority of the commissioners at either of the above named places shall designate and appoint for that purpose, to the amount of two thousand eight hundred shares, of fifty dollars each, together with the subscription hereinafter authorized for the state, to constitute a joint capital stock to the amount of seven thousand shares, or three hundred and fifty thousand dollars, for the purpose of making the said railroad, and for providing every thing necessary for transportation on the same.

"Be it further enacted, That whenever five thousand shares shall be subscribed to and for the purpose aforesaid, the subscribers, their executors, administrators and assigns, shall be and they are hereby declared to be a body politic and corporate, under the name and style of 'The Buchanan and Roanoke Railroad Company;' and shall be subject to all the provisions of the act 'prescribing certain general regulations for the incorporation of railroad companies,' passed March the eleventh, eighteen hundred and thirty-seven, except so far as they may be inconsistent with the provisions of this act. And whenever two thousand shares of fifty dollars each shall be subscribed to and for the purpose of constructing the said railroad, on the part of others than the commonwealth, the Board of public works is hereby authorized and required to subscribe on the part of the commonwealth for the remaining three fifths of the said five thousand shares. And as often thereafter as additional subscriptions shall be made to the stock of said company by others than the commonwealth, for the purpose of constructing the said railroad, the Board of public works is further authorized and required to subscribe on behalf of the commonwealth, in like proportion to subscriptions by others than the state, until the whole amount of the capital stock shall be filled up, or a sufficient amount be subscribed for the constructing and completing of the whole of said railroad: *Provided however,* That the Board of public works shall not subscribe to any portion of the said stock, as hereinbefore

provided for, until said board shall be satisfied that the subscriptions by others than the state, are subscribed by persons solvent and fully able to pay. And the board shall borrow the amount necessary for the payment of the above subscriptions, agreeably to the terms of the act passed April the eighth, eighteen hundred and thirty-nine, entitled 'an act authorizing loans for the payment of certain subscriptions and appropriations,' provided the bonds or certificates of stock to be issued under this act shall not be sold for less than their par value.

"Be it further enacted, That the said company shall have five years from the passage of this act, to commence their work, and ten years thereafter to complete the same. And they shall commence the construction of said railroad at the town of Buchanan, and proceed with the same by regular continuous sections, except in such cases as the president and directors may, from the delay occasioned by the erection of bridges and by difficult passes in any particular section, direct otherwise. And as soon as ten miles of the said road shall be completed, the said company may put the same in operation, and charge and collect tolls for the transportation of freight and passengers thereon.

"Be it further enacted, That the general assembly reserves the right of hereafter so modifying this act as more effectually, if necessary, to secure the free and unrestricted transportation of passengers and tonnage to and from said Virginia and Tennessee railroad and any connecting railroad; and to establish the terms and regulations thereof, or to authorize the mode of settling any controversies concerning the same.

"Be it further enacted, That the _____ section of this act shall not be so construed as to require the company or owners of any railroad or railroads connecting with the Virginia and Tennessee railroad, to keep a greater number of burden or freight cars than they may deem necessary for the transportation of tonnage and freight on their road.

"Be it further enacted, That the provisions of this act concerning the representation of the commonwealth's stock by proxies in meetings of the stockholders of the Virginia and Tennessee railroad company, and concerning the number of shares of stock to be represented by any one person, be, and they are hereby declared to be, applicable in all respects to the Buchanan and Roanoke railroad company.

"Be it further enacted, That the Buchanan and Roanoke railroad company shall, at some fit point at or near Buchanan, construct one or more depots upon the boundary line of the ground condemned, or to be hereafter condemned, to the use of the James river and Kanawha canal, and shall, with regard to the delivery and storage of tonnage and produce, be in all respects subject to the same provisions of this act which are made applicable to the Virginia and Tennessee railroad company.

"That the stockholders of the Lynchburg and Tennessee, otherwise designated as the Virginia and Tennessee railroad company, shall, within three months from and after the passage of this act, elect to accept or reject the provisions thereof.

"Be it further enacted, That the authority heretofore given to the Board of public works to construct the Southwestern turnpike road on state account, except so far as the said board have actually entered into contracts for the same, is hereby revoked."

And the question being put upon engrossing the same, was determined in the negative. Ayes 62, noes 63.

On motion of Mr. BOISSEAU, the vote was recorded as follows:

AYES—Messrs. Hart, Watson, Smith, Powell, Cheatham, M'Cue, Sheffey, Byrd, Mitchell, Burwell, Faulkner, Hudson, Byrne of Braxton, Lewis and Gilmer, Kyle, Moore, Wills, Irvine of Campbell, Barbour, Irving of Cumberland, Segar, Scott, Rector, M'Clung, Claiborne, Baily, Carroll, Price, Allen, Darracott, Bassel, Lancaster, Laidley, Ferguson, White, Beard, Harris, Arnett, M'Donald, Clendenin, Tanzey, Beirne of Monroe, Barnett, Robinson, Cowper, Pitts, Pannill, Buswell, Hiner, Fairfax, Harrison of Prince William, Goff, Strother, Mayo, Dorman, Paxton, Martz, Harper, Aston, Pitman, Sibert, Boyers and Massey—62.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Layne of Alleghany, Boisseau, Boak, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Cardwell, Jones, Clarke, Thomas, Howard of Floyd, Stillman, Edwards, Sydnor, Clopton, Guerrant, Maclin of Greenville, Stovall, Major, Hiatt, Boykin, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Houser, Tomlin, Webb, Lane of Lee, Edmondson, Newman, Shepard, Coleman, Gustin, Kilby, Perrow, Butt, Yerby, Basye, Turner, Syme, Townes, Grasty, Cackley, Herbert, Wootton, Rives, Cook, Fugate, Thompson of Smyth, Griffin, Hargrave, Nicholson, Burdett, George, Goodson, Harvey, Collins and Boyd—63.

Mr. GOODSON then demanded that the main question be now put upon the passage of the bill, and it was sustained by the house, and being forthwith put, the bill was passed. Ayes 76, noes 54.

On motion of Mr. MAJOR, the vote was recorded as follows:

AYES—Messrs. Hart, Smith, Layne of Alleghany, Powell, Cheatham, M'Cue, Sheffey, Byrd, Mitchell, Burwell, Faulkner, Hudson, Byrne of Braxton, Lewis and Gilmer, Kyle, Moore, Wills, Irvine of Campbell, Barbour, Irving of Cumberland, Segar, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Stillman, Claiborne, Baily, Guerrant, Carroll, Price, Darracott, Bassel, Lancaster, Worthington, Laidley, Lane of Lee, Ferguson, White, Beard, Arnett, Clendenin, Tanzey, Beirne of Monroe, Barnett, Perrow, Robinson, Cowper, Basye, Pitts, Pannill, Hiner, Syme, Townes, Grasty, Cackley, Fairfax, Goff, Strother, Mayo, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Conway, George, Boyers, Goodson, Collins and Boyd—76.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Boisseau, Boak, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Lacy, Cardwell, Jones, Clarke, Edwards, Wood, Sydnor, Clopton, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Boykin, Howard of James City, York and Williamsburg, Thomson of Jefferson, Wallace, Houser, Tomlin, Webb, Harrison of Loudoun, Harris, Edmondson, Newman, M'Donald, Shepard, Coleman, Whittle, Gustin, Kilby, Butt, Yerby, Buswell, Turner, Herbert, Wootton, Rives, Harrison of Prince William, Griffin, Moncure of Stafford, Hargrave, Nicholson, Burdett, Massey and Harvey—54.

On motion of Mr. SHEFFEY, the title was amended, and as amended, agreed to, so as to read, "an act authorizing a subscription for the

commonwealth to the stock of the Virginia and Tennessee railroad company."

Ordered, That the clerk communicate the said bill to the senate, and request their concurrence.

A message was received from the senate by Mr. STRINGER, who informed the house that the senate had passed a bill, entitled "an act to create a new judicial district, and for other purposes," with amendments, in which they requested the concurrence of the house of delegates.

The said amendments being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

On motion of Mr. LACY, the house adjourned until to-morrow 10 o'clock.

SATURDAY, MARCH 3, 1849.

Prayer by the Rev. MARTIN T. SUMNER, of the Baptist church.
A communication from the senate by their clerk was read as follows :

IN SENATE, FEBRUARY 28, 1849.

The senate have postponed indefinitely the bill, entitled
"An act authorizing the banks to issue small notes." No. 58.

Mr. WORTHINGTON, from the committee for courts of justice, reported a bill to extend to machinists and workers in iron the lien given to mechanics and others, for labour and materials expended in erecting or repairing houses, with a recommendation that the bill be rejected.

Also, presented reports upon the resolution for amending the first section of the act passed 22d January 1846, concerning proceedings at rules; and upon the petition of Esther Maria Lewis; and the following bill :

No. 490. A bill for the relief of Catharine Panham.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bills :

No. 491. A bill providing for the construction of a road from the house of James Shannon, in the county of Logan, to the Bluffs on the line between Logan and Mercer counties.

No. 492. A bill to provide for constructing a state road from Christiansburg to Patrick courthouse; and

No. 493. A bill incorporating the Cole river navigation company.

Mr. JONES, according to order, presented the following bill :

No. 494. A bill changing the time of holding the spring term of Chesterfield circuit court.

Mr. STILLMAN, from the committee on enrolled bills, reported that said committee had examined sundry other bills, and found them correct.

Ordered, That the clerk communicate the same to the senate, for further examination.

On motion of Mr. LAIDLEY,

Resolved, That the committee on revision be instructed to re-arrange the several judicial circuits of the state, in such manner as to equalize, as far as practicable, the labours of the judges thereof.

No. 31. The bill, entitled "an act authorizing in certain cases the transfer or removal of money or other personal property from the state," with the senate's amendment thereto, and the amendment proposed to said amendment by Mr. SHEPARD, was taken up, on motion of Mr. WATSON; and the said amendment to the senate's amendment being amended, on motion of Mr. WATSON, and as amended agreed to, the senate's amendment as amended was also agreed to.

Ordered, That the clerk inform the senate thereof, and request their concurrence in said amendment to their amendment.

A message was received from the senate, by Mr. WOODS, who informed the house that the senate had passed a bill, entitled "an act adding the county of Bedford to the eighth judicial circuit," (No. 63,) with amendments, in which they requested the concurrence of the house of delegates.

The said amendments being read, on motion of Mr. CARROLL were disagreed to, and it was ordered that the clerk inform the senate thereof.

A motion was made by Mr. FINNEY, that the house adopt the following resolution:

Resolved by the general assembly, That the governor of this commonwealth be, and is hereby authorized to place at the disposal of the civil authorities of the county of Accomack, one hundred muskets and four pieces of ordnance of six pound calibre, *to enable the citizens of said county more effectually to enforce the laws of this commonwealth, passed for the protection of oysters, and for the general security of the citizens of said county.*

A motion was made by Mr. SHEFFEY to amend the same, by striking therefrom the words *in italics*, and it was determined in the negative.

The question was then put upon adopting the resolution, and was determined in the affirmative. Ayes 87, noes 9.

On motion of Mr. SHEFFEY, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Smith, Layne of Alleghany, Boisseau, Powell, Cheatham, Byrd, Mitchell, Burwell, Boak, Hudson, De Camps, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moore, Moncure of Caroline, Lacy, Cardwell, Jones, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Stillman, Edwards, Baily, Clopton, Guerrant, Carroll, Price, Stovall, Major, Bassel, Lancaster, Boykin, Thomson of Jefferson, Laidley, Wallace, Tomlin, Webb, Ferguson, Harris, Newman, M'Donald, Shepard, Clendenin, Coleman, Tanzey, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Basye, Pitts, Pannill, Buswell, Syme, Grasty, Cackley, Herbert, Wootton, Rives, Harrison of Prince William, Goff, Strother, Mayo, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Conway, Hargrave, Nicholson, Burdett, George, Harvey, Collins and Boyd—87.

NOES—Messrs. Sheffey, Irvine of Campbell, Wood, Sydnor, Worthington, Lane of Lee, White, Turner and Boyers—9.

Ordered, That the clerk communicate the said resolution to the senate and request their concurrence.

On motion of Mr. FERGUSON,

Resolved, That a special committee be appointed to bring in a bill providing for a reassessment of the lands throughout the commonwealth.

And a committee was appointed of Messrs. Ferguson, Boyd, Price, Sheffey, Jones, Hart, Coleman, Tomlin and Finney.

Mr. FERGUSON presented a petition of citizens of the counties of Kanawha and Boone, for aid in improving the navigation of Coal river;

And a petition of citizens of the county of Logan for a separate election in said county; which were laid upon the table.

On motion of Mr. SHEFFEY,

Ordered, That leave be given to bring in a bill to incorporate the James river and Roanoke railroad company, and that Messrs. Sheffey, Segar, Paxton, Layne of Alleghany, and Hudson, prepare and bring in the same.

No. 176. An engrossed bill authorizing the state's guarantee to certain bonds of the James river and Kanawha company, was taken up on motion of Mr. MAYO, and read a third time, and the question being put upon its passage was determined in the affirmative. Ayes 58, noes 53.

On motion of Mr. YERBY, the vote was recorded as follows:

AYES—Messrs. Hart, Watson, Smith, Layne of Alleghany, Powell, Cheatham, M'Cue, Sheffey, Byrd, Mitchell, Burwell, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, De Camps, Kyle, Moore, Irvine of Campbell, Cardwell, Segar, Scott, M'Clung, Howard of Floyd, Stillman, Baily, Guerant, Carroll, Price, Lancaster, Worthington, Thomson of Jefferson, Laidley, Ferguson, Beard, Clendenin, Tanzey, Beirne of Monroe, Perrow, Robinson, Butt, Cowper, Pitts, Hiner, Cackley, Fairfax, Herbert, Goff, Strother, Mayo, Paxton, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Burdett, Boyers and Boyd—58.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Boisseau, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Clarke, Thomas, Rector, Edwards, Wood, Sydnor, Clopton, Stovall, Major, Allen, Hiatt, Bassel, Boykin, Wallace, Houser, Tomlin, Webb, Lane of Lee, White, Harris, Newman, M'Donald, Shepard, Coleman, Whittle, Gustin, Kilby, Yerby, Pannill, Buswell, Turner, Syme, Grasty, Wootton, Rives, Harrison of Prince William, Martz, Harper, Moncure of Stafford, Hargrave, Nicholson, George, Massey and Harvey—53.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

The following report was taken up as the order of the day, and read:

The select committee appointed to examine all the official, historical and other evidence in relation to the defence of Craney Island in this state, when attacked, on the 22d day of June 1813, by the British forces, to designate such of the officers of this state as distinguished themselves in that engagement by their skill and gallantry, and to consider the expediency and propriety of awarding to them some testimonial of the gratitude and thanks of this commonwealth, have, according to order, had the same under consideration, and submit the following report:

The defence of Craney Island on the 22d of June 1813, may justly rank amongst the most brilliant and successful incidents of the late war with Great Britain. And fought as that action was upon our own soil, mainly by the volunteer militia of our own state, and in the defence of our most important commercial cities, and resulting as it did in the signal repulse of an enemy of greatly superior numbers, and in the liberation of our state from a formidable foe, unscrupulous in its means of attack and annoyance, it has a high and peculiar claim upon the gratitude and attention of the people of Virginia. That some distinct and complimentary notice has not been before taken, by the general assembly of this state, of the gallant band which, upon that memorable day, shed such lustre upon her arms, and performed such important service to their country, is to be ascribed to the rapidity with which the thrilling events of that period passed before, agitated and engrossed the public mind; to the absorbing grief which wrung every bosom at the barbarous outrages perpetrated upon our inoffensive citizens by the enemy as they retreated from the scene of their disaster and defeat; and in some measure to the undue partiality which at that particular juncture concentrated the public regards upon that rising and popular arm of our national defence, around which the achievements of Hull, Jones and Decatur had already cast such a halo of national glory. "Events," says the editor of the *Richmond Enquirer*, in his paper of the 2d of July 1813, "follow each other with such rapidity, that it is almost impossible for the pen to keep pace with them. Express succeeds express, and despatch comes after despatch, in such quick succession, that if we put down every thing that interests us for the moment, we shall not have room enough for the record." And on the 16th of July of the same year, an able and eloquent writer in the *Enquirer* complains, in strong and pointed terms, of the indifference with which the most dazzling victories achieved on land were received by the public mind, compared with the exulting throb of joy which animated every heart at the most trivial triumph on the water. "Our heads," he says, "are all turned towards the ocean, as the only field of fame, and as the only theatre where the honour of the country can be upheld and the glory of our ancestors sustained. An account of the most daring enterprise upon land is scarcely read, particularly if we hear of an engagement between two frigates at the same time. Why this partiality in the public favour? Why not exult at a victory on land with as much enthusiasm as if it were gained on the ocean? Our legislative assemblies seem also to have caught this partiality, and to have viewed the deeds of the 'ocean warriors' as alone worthy of their approbation. At the last session of the Virginia legislature, seven resolutions passed that body, complimenting in the highest terms seven of our young midshipmen, who had participated in the glory of our late naval victories, whilst no notice whatever was taken of the achievements on land. An act of heroism on land is as glorious as one upon the ocean; and public applause is as justly due to the one as to the other. If our gallant midshipmen are entitled to swords and resolutions, so are our lieutenants, captains, majors and colonels. They both fought for their country. They are

animated by the same elevated feelings. They bled in the same holy cause, and the meed of public praise and approbation should be the same."

The partiality of the nation at that period for the navy, was quite natural. It was the arm of our national defence which first turned the tide of victory in our favour. It was adding fame to our national character, whilst disaster and defeat followed our operations upon land upon the northern frontier. It was, besides, the first national exhibition of the skill and gallantry of our noble tars, and struggling, as we then were, with the mistress of the ocean, upon her own favourite and theretofore invincible element, and in vindication of the great rights of maritime freedom, it is not wonderful that the public favour should have been at the time almost wholly engrossed in its admiration of the intrepid feats and matchless enterprise of that branch of the service. But now that the enthusiasm of the moment has subsided, and we are left at liberty coolly to contemplate the events of that period, every sentiment of gratitude and justice impel us to honour the brave defenders of our country upon land, however late and tardy may be the public recognition of their just claims upon our attention.

That the defence of Craney Island was regarded during the war, and by all the historical writers who undertook to embody the events of that period, as amongst the most striking and important achievements of our arms, there is most abundant evidence to shew.

GEN'L ROBERT B. TAYLOR, than whom no one better knew the duties of a soldier or the force of the language which he employed, in his official report of that action to the secretary of war, dated at Norfolk, on the 4th of July 1813, thus speaks of it:

"The courage and constancy with which this inferior force, in the face of a formidable naval armament, not only sustained a position in which nothing was complete, but repelled the enemy with considerable loss, cannot fail to inspire the APPROBATION of their GOVERNMENT and the APPLAUSE of their COUNTRY. It has infused into the residue of the army a general spirit of competition, the beneficial effects of which will, I trust, be displayed in our future combats."

THOMPSON in his history of the war, published in 1816, and BRACKENRIDGE in his history, published in 1818, after describing the action, say that "the safety of the City of Norfolk and of the surrounding towns of Portsmouth, Gosport and others, is to be attributed to the resolute spirit and intrepid bravery exhibited in the defence of Craney Island."

JOHN DICKENSON, in his address to the free electors of Pennsylvania, dated at Philadelphia, September 29th, 1813, and published at length in the Richmond Enquirer of the 19th of October 1813, thus classifies that action amongst those glorious events which might well be referred to, to animate a brave people in their persevering struggles in defence of their national freedom and safety:

"Why should we dwell only upon the *miscarriages* of our war?—Forgetting the brilliant achievements of York; forgetting how the battlements at Fort George fell; the repulse at Fort Meigs; the repulse at Sackett's Harbour; the repulse at CRANEY ISLAND; the glorious repulse at Sandusky, all within the first year of our operations by land!"

The Hon. Thomas Gholson, a distinguished member of the house of representatives, in an address to the freeholders of his congressional district, composed of the counties of Mecklenburg, Lunenburg and Brunswick, dated at Washington City, August 2d, 1813, thus refers to that event:

"On land also we can recount our successes. The decisive victories we have gained at Fort George, at Sackett's Harbour, at York, at Fort Meigs, and at CRANEY ISLAND, furnish indisputable testimony of the superiority of our troops. Nothing has ever occurred, that surpassed the intrepid conduct of our seamen and militia at CRANEY ISLAND." (*See Richmond Enquirer, August 20, 1813.*)

Extracts to the same effect might be indefinitely multiplied from the newspapers and periodical journals of those times, but enough has been exhibited to shew the estimate placed upon that action by distinguished generals, statesmen and historians, when the subject was fresh before their minds, and when the heart of the nation was throbbing to the deeds of her gallant defenders.

It is marvellous that any doubt or obscurity should ever have been cast upon the incidents of that battle, or upon the fact as to who were the prominent and conspicuous actors in it. It is true that the insidious effects of a noxious climate, more fatal than the arms of their British foes, carried off some of them to their eternal repose very shortly after the war. Yet the official report, written *two days* after the action, and confirmed by the commanding general *twelve days* after its occurrence, was placed amongst the imperishable records of the republic; and there it stood unassailed and uncontradicted for a period of thirty-two years. And it was not until October 1845, that one of the subordinate actors in that affair made a deliberate effort, upon his own unaided evidence, to assail the accuracy of that official report, and to wrest from the volunteers of Virginia their before unquestioned and long admitted claim to at least a large participation in the honours of that victory. And it is much to be regretted, that some otherwise commendable histories which have appeared subsequent to 1845, have been misled by the high name of Commodore W. Brandford Shubrick, to give to this transaction an aspect wholly unwarranted by any evidence, official or historical. If this perversion of an interesting military transaction is suffered to remain longer unnoticed, it may be that the names of the real and most important actors in it may forever pass from public view. The house of delegates of Virginia has therefore felt it due to those gallant men who rallied to her defence in a period of difficulty and danger—due to her own citizens—due to the truth of history—that the facts of that brilliant and important action shall be rescued from all misapprehension, and forever placed in an authentic form amongst the permanent archives of the state.

In accordance with this view of the high obligations devolving on the commonwealth, this committee have been appointed, and the committee, feeling the deep responsibility of their position, have spared no labour or research to reach a conclusion satisfactory to themselves and to the public mind. They have consulted all the official reports of that action, British and American; they have examined every account

of it to be found in the permanent histories published in this country, and preserved in the public libraries of this state and of congress; they have read the numerous newspaper narratives of the action; they have visited the battle field, and had on the ground with them most of the survivors of that memorable day, and from all now living, who were accessible, naval and military, they have procured full and detailed statements of the incidents and operations of that engagement. They will, therefore, proceed to lay before the house the result of that examination. [See Appendix A.]

As early as the month of January 1813, it was known that a British squadron had arrived at Bermuda with a considerable body of troops on board, and well supplied with bombs and rockets, for the purpose of attacking some of our most exposed *southern* cities. This invidious distinction was made between the north and south, from a belief, that the northern states were not merely unfriendly to the war, but were strongly inclined to secede from the Union, to avoid those injuries and interruptions to their commerce and industry, occasioned by the existing state of hostilities between the two nations. On the 4th of February, Admiral Sir John Borlase Warren took possession of Hampton Roads in the Chesapeake bay, with two ships of the line, four frigates and several smaller vessels of war. On the 20th of March, the whole southern coast of the United States was declared to be in a state of blockade. No important movement, however, was attempted at this time, but the enemy confined themselves to a disgraceful predatory war, along the shores and inlets. Admiral Warren soon after sailed to Bermuda, with a view of fitting out a more considerable armament for an attack upon some portion of the southern sea coast during the summer. Early in June, he returned with a considerable reinforcement, and a number of land troops and marines, under the command of Gen. Sir Sidney Beckwith. This force consisted of seven ships of the line, twelve frigates and sloop of war, and a proportionate number of smaller vessels. The appearance of this formidable force in the Chesapeake bay created much uneasiness in the more considerable cities, situated upon its waters. Baltimore, Annapolis and Norfolk were threatened. But the fleet directed its course towards Hampton Roads, and it was now evident that the cities of Virginia were to receive the first blow.

It is gratifying to look back to that period of our history, and to observe with what an unshrinking and unfaltering spirit the people of this commonwealth prepared themselves to meet the invading host, which the power of the British nation had concentrated upon the most vulnerable portion of our state! With what joyful alacrity the volunteers from every portion of the state tendered their services to rush to her standard! With what quickening energy the peaceful citizen assumed the duties and the qualities of the soldier!

"Are we to be *picked out*," says the editor of the Richmond Enquirer, "from all the rest of the nation, to feel the resentment of an insolent foe? We fear not for the issue. The pulse of the Virginian beats too high, to suffer any invader to trample on her soil and disturb the repose of the ashes of our fathers."

Again, exclaims that patriotic sentinel, "Citizens of Virginia! these are 'the times that try men's souls.' We address ourselves to the young, the ardent, to the men of chivalry and of arms. CRANEY ISLAND will witness the deeds of our troops. Shall we alone bear the brunt of the battle? Shall we alone be selected by an insolent foe as the object of attack? If you are true to yourselves—if you are true to the great cause in which we have embarked; if you are true to the ashes of the heroes of 1776, which repose on our soil;—if you are inspired by the guardian genius of liberty which dwells amongst us;—if you love your country, will you permit these miserable mercenaries to seize our towns and insult the tombs of our fathers? No! Virginia WILL be true to herself and to her country."

A member of congress thus addressed that editor: "I have no fears of the Old Dominion—I am sure she will do her duty. The preference given by the enemy to her, is in my judgment honourable to her. She has ever been conspicuous in opposing British encroachments, and I hope ever will be. *My whole soul yearns over her at this time.*"

George Hay, Esq., in addressing the people of Virginia, eloquently remarks:

"The enemy, by his late movements, seems to have selected the state of Virginia as the peculiar object of his vengeance. Be it so. The people of this commonwealth are proud to be thus distinguished. They have never by a senatorial resolve deprecated his wrath, and so help them God! they never will. Their fathers met him in the field, and led his army into captivity. We will emulate their spirit, and endeavour to follow their great example. My countrymen! my respected countrymen! brave and generous Virginians! when this storm shall pass away, when an honourable peace shall be acquired by your patriotism and valour; when you, or such of you as may survive the conflict, shall meet again in the full enjoyment of peace and of the rights for which we now contend, what will be your feelings? How pure will be your joy! how proud your triumph! You shall 'read your history in a nation's eye.' Yes! you shall stand on the right hand of your grateful country; whilst those who have encouraged the foe and deserted *her* in the hour of danger, shall call on the mountains to cover them."

Such was the spirit which animated Virginia at this crisis of her history, and such there is no doubt will it ever be, when any foreign foe shall have the temerity to invade the sanctity of our soil.

On the morning of the 21st of June, the forces of the enemy, lying off Newport's Noose, consisted of the heavy naval armament above described, under the command of Admiral Warren and Rear Admiral Cockburn, having on board the 102d regiment of infantry, the royal marine brigade, two companies of Canadian chasseurs, about 800 foreign renegadoes and prisoners, called *Chasseurs Britanniques*, under the command of Gen. Sir Sidney Beckwith, assisted by Lieut. Col. Napier, Lient. Col. Williams, Maj. Malcolm, Capt. Smith and others—the whole force of the enemy, including sailors, amounting to near 5000 men.

The American forces in that quarter consisted of a large body of

militia, collected under the active and patriotic exertions of Gov. Barbour, from different portions of the state, some few regulars, and the officers and crews of the frigate *Constellation* and of the gunboats. The regulars and militia were mainly stationed in the immediate vicinity of the cities of Norfolk and Portsmouth, in and near Forts Nelson, Norfolk and Barbour. The *Constellation* rode at anchor between Forts Nelson and Norfolk and the cities of Portsmouth and Norfolk. The gunboats were moored east of the island, in a crescent form, extending from Lambert's point across the channel.

About five miles west of Norfolk, near the mouth of Elizabeth river, and commanding the approach from Hampton Roads to that city, lay CRANEY ISLAND, a small island, nine hundred yards in length and two hundred and thirty-three in width, without a house and with but a single tree (cedar) upon it, and separated from the main land by a narrow inlet, fordable at low or even half tide. This was the exposed outpost of our military line—the nearest in contact with the enemy—a position of great importance as a key to the harbour, and one which it was indispensable the enemy should possess, before they could reach the ultimate object of their attack—the cities of Norfolk and Portsmouth. A small unfinished breastwork had been commenced on the eastern end of this island, where two twenty-four pounders and one eighteen pounder had been mounted. The whole force upon that morning, on the island, consisted of two companies of artillery, Capt. Emerson's and Capt. Richardson's, under the command of Maj. Faulkner of the state artillery; Capt. Roberts's company of riflemen and 416 militia infantry of the line, commanded by Lieut. Col. Beatty of infantry, assisted by Maj. Andrew Waggoner, also of the infantry. And yet, as small as this force was, and exposed to the assault of superior numbers, and so situated that, if overpowered, there were scarcely any means of retreat, we learn from the public journals of that day, "that not the smallest symptom of apprehension was visible, but the reverse; all were cool and collected, rather wishing the attack."

From the movements of the enemy's ships on the 21st of June, and their anchoring east of the mouth of Nansemond river, about five miles from Craney Island, no doubt was entertained that an attack was now meditated. It became proper, therefore, to strengthen the troops on the island with such reinforcements as could be spared. General Taylor came in speed to Fort Norfolk, and ordered Capt. Pollard of the United States army, stationed there, to prepare directly to reinforce that small command by thirty men of his own company, adding that he would send him a detachment from the militia of thirty men more, with two company officers. This detachment, with Lieut. Johnson of the county of Culpeper, and Ensign Archibald Atkinson of Isle of Wight, were promptly at Fort Norfolk; and Capt. Pollard, with his united detachment, directly embarked in boats, under the cheers of the garrison, for Craney Island, where they arrived about twilight on the evening of the 21st. At 3 o'clock in the evening, Gen. Taylor sent his aid-de-camp to Capt. Tarbrell, of the *Constellation*, with a request to add to the forces on the island such of the officers, sailors and marines as he could spare from that frigate. In pursu-

ance of this request, Capt. Tarbrell despatched First Lieut. Neale with one hundred officers, midshipmen and sailors, and Lieut. Brackenridge with fifty marines. The latter reinforcement reached the island some time during the night of the 21st. The whole force on the island, at the time of the attack, consisted of 50 riflemen, 416 militia infantry of the line, 30 regulars of the United States army, 91 state artillery, and 100 sailors and 50 marines.

About 12 o'clock at night, in consequence of a fire from one of the sentinels, who erroneously imagined that he saw a boat passing between the island and the main land, our troops were called to arms, and remained under arms until the approach of dawn on the morning of the 22d, when they were dismissed. Scarcely, however, had they been dismissed, when a horseman dashed across the inlet and reported that the enemy was landing in great force near Maj. Hoffleur's, about two and a half miles west of the island. Every man was instantly at his post, and as it became lighter, the enemy's boats could be distinctly seen passing and repassing from the ships to the shore, landing troops. The three heavy cannon in the unfinished fort at the east end of the island, were promptly brought, by the orders of Major Faulkner, to the *west end*, where the four six-pounders had already been posted. At that point, there was at that time a low breastwork, temporarily erected, and the cannon were posted immediately in rear of it. These seven pieces constituted the battery. The infantry and riflemen, with Captain Richardson's company of light artillery, *acting as infantry*, were formed in a line, some short distance in rear of the artillery, with their right resting on the north. Behind the low breastwork the seven pieces were arranged, the four six pounders to the north, next to them the eighteen pounder, and on the left of the battery the two twenty-four pounders. Behind the eighteen and twenty-four pounders was erected our flag-staff, with the stars and stripes proudly unfurled to the breeze. To Captain Emerson, Major Faulkner assigned the command of one of the twenty-four pounders, and to Second Lieutenant Godwin, assisted by Thomas Rourke of the Manhattan, the other. To First Lieutenant Howle, two of the six pounders, assisted by Corporal Moffit; to Sergeants Young and Livingston, each, a six pounder; and to Lieut. Neale of the navy, the eighteen pounder. A portion of the sailors from the Constellation were detailed to assist in the firing and management of the two twenty-four pounders; the whole battery, thus arranged, being under the direction and orders of MAJOR FAULKNER of the state artillery.

The enemy had now landed about 2500 infantry and marines. They could be distinctly seen marching and countermarching on the beach, for the splendour of an unclouded summer sun threw its rays full upon them, and after forming into column, they took up the line of march. Such was the dense growth of the trees and underwood, commencing a short distance from the beach, that they were soon lost to the view. In about two hours they emerged from the woods, and appeared on the point of land, formed by the junction of Wise's creek with the narrow inlet which separates Craney Island from the shore. From this point a detachment of the British was sent to cross Wise's

creek, with a view of reaching the island on the south, and the enemy, to divert the attention of our forces from that movement, commenced the action by a rapid discharge of Congreve rockets upon the island. Our battery was promptly directed at the column in sight, keeping up for some time a galling and destructive fire of grape and cannister shot. They soon sought protection behind a piece of woods, and a house belonging to Capt. George Wise; but from the shot directed through the trees and at the house, which soon tore off the roof and threw down the chimney, it was soon perceived that these shelters afforded no safe retreat against the accuracy and precision of our fire, and they fell back in dismay, with the loss of many killed and wounded, and amongst them two officers, to a point beyond the reach of our guns, to await the result of the movement directed towards the south of the island, and the attack then being made by the barges approaching on the water. By this time, the guns under the command of Lieut. Godwin and Sergeant Livingston had become dismounted, and disabled from further use.

Scarcely had the enemy been driven, by our well-directed fire, from their assailing position on the land, when fifty of their largest barges, filled with men from the ships, supposed to contain about 1500 sailors and marines, begun to approach within the range of our artillery. They were advancing towards the island, in column order, in two distinct divisions, one following the channel, between the island and main land, led on by Admiral Warren's barge, the Centipede, a boat upwards of 50 feet in length, rowing 24 oars, with a brass three pounder in her bow, under the command of Capt. Hanchett, of his Majesty's ship *Diadem*, the other directing its course to some point on the north of the island. Whilst the barges were approaching, Capt. Emerson observed to Maj. Faulkner, "Are they near enough for our fire?" No sir, replied the commandant of artillery, "let them approach a little nearer." In a few moments afterwards, the word "fire" was given, when our whole battery, except the disabled pieces, opened upon the nearest division of boats, a brisk and heavy discharge of grape and cannister. The barges, however, continued to advance in the face of this destructive fire, until they could no longer maintain themselves under it, when the *Centipede* and the boats immediately following her were observed to change their direction towards the division of barges aiming at the north of the island, at which moment the *Centipede* was sunk by a shot from one of the guns passing through the boat in the wake of the after-thwart, wounding several, and amongst them Captain Hanchett, the commanding officer of the division, severely in the thigh. At this time, so quick and galling was our fire that the enemy were thrown into the greatest confusion, and the order was soon after given for a hasty retreat to the ships. Five of their boats were sunk, one of them, as before remarked, the Admiral's barge, and many others were so shattered that it was with difficulty that they were kept afloat. The firing was kept up with round shot until they got beyond the reach of our guns. No sooner had the enemy made good their retreat in the barges, when orders were given to Lieut. Neale, to send a detachment of his intrepid sailors,

to haul up the boats which had sunk and to secure the British sailors and marines who were making for safety to the shore. That duty was promptly and gallantly performed by a detachment of sailors, under the command of Midshipman Bladen Dulany, and Acting Master George F. de la Roche, the prisoners secured and the Centipede drawn up. To Acting Master De la Roche, after she was subsequently made tight, was assigned the honour of taking to the navy yard at Gosport, that beautiful specimen of naval architecture. In her was found the small brass three pounder before mentioned, a number of small arms and a quantity of pistols and cutlasses, placed there for use, if the enemy had succeeded in getting a landing. Twenty-two of her men were brought by the seamen to the island with her and surrendered themselves prisoners of war. Among them a Frenchman, with both of his legs shot off, was brought on shore in a hammock. He died in a few hours. After the battle, about thirty deserters came to the island.

In this warm and spirited engagement, in which 4000 British soldiers, sailors and marines, led on by brave and experienced officers, were opposed to 544 Virginia militia and volunteers, 30 soldiers of the regular army, and 150 sailors and marines, but in the active participation of which fight less than two hundred of our troops were engaged, the loss on the side of the invaders in killed, wounded and drowned was upwards of 200, exclusive of 30 prisoners and 40 deserters. Indeed, if we may credit the statement of Capt. Travis, the commander of the revenue cutter Surveyor, who, prior to that time, had been taken prisoner by the British, conversed freely with the British officers after the action, and who arrived in Norfolk on his parole on the 6th of August 1813, "The fire from the battery at Craney Island was far more destructive than we had any idea of. A single shot, as he learned from them, cut off the legs and feet of nearly a whole boat's crew. Another shot struck amongst a crowd of soldiers on the land and killed seven. Nothing, he added, could exceed the confidence of the enemy in taking Norfolk on the 22d of June, except his astonishment and mortification at being defeated." (*Norfolk Herald*, 10th August 1813.)

Admiral Warren in his official report of the repulse at Craney Island, dated on board the ship San Domingo, the 24th of June 1813, sets forth the necessity of his obtaining possession of that island, to enable the light ships and vessels to proceed up the narrow channel towards Norfolk; acknowledges the failure of the attempt, and his repulse by the militia of the state and seamen assisting them; compliments his officers and men for their bravery, and expresses his regret that Capt. Hanchett, who had with such great gallantry volunteered his services and led the foremost division of boats, was so severely wounded. This Captain Hanchett, says Ch. J. Ingersoll in his history of the war, was a natural son of George the 3d, born some time after his marriage to the queen, by whom he left so numerous a progeny, among them three kings, George 4th, William the 4th, and the King of Hanover. "And thus," continues that historian, "not long from the time when the Regent of Great Britain congratulated his kingdom on

the pitch of grandeur it reached by dictating peace to France in the French capital, a brother of that regent was repulsed by a handful of militia in an attempt to capture a small island in the Chesapeake bay."

From the prisoners and deserters, a portion of whom were removed to the penitentiary at Richmond, until they could be sent on to Annapolis, and who were examined before the council of state, several interesting facts were elicited.

The attack was made in the full confidence of success—in the full belief that after a short but gallant struggle, the island would surrender, and that they would breakfast on it that morning. So confident were they of this result, that some brought with them their shaving materials, some their dogs, and some additional clothing.

The French prisoners stated that Cockburn, to ensure their fidelity and zeal, told them they could easily get possession of the island, after which they would have nothing to do but to go on to Norfolk and take the town, which he promised to give up to *three days pillage*, and besides, to reward them with £ 25 sterling each, if they exerted themselves. He also spoke to them of the great beauty of the ladies of Norfolk, and pledged himself that they should have "the disposal of them"—a statement that would seem utterly incredible, if not borne out by the subsequent atrocities perpetrated at Hampton.

This action was decisive in its results. It gave to the enemy a clear perception of the spirit with which they had to contend—the unyielding and unconquerable spirit of Virginia valour, when invoked in the defence of their firesides and homes. By sunset of the evening of that memorable day, all the forces under Sir Sidney Beckwith, which, in the proud anticipation of triumph, had landed upon our soil that morning, had returned, discomfited and defeated, to their shipping. All further attempts to capture or bombard the cities of Norfolk and Portsmouth, or to destroy the navy yard at Gosport, and the shipping in the harbour, were abandoned forever. And the voice of gratitude and thanks came loud and deep from the hearts of brave men and fair women, to hail the noble defenders of that island for the gallantry and skill which had saved them from the horrible atrocities of a merciless and unsparing foe.

Some military critics have expressed the opinion that the attack upon Craney Island was in its conception altogether unworthy of the distinguished naval and military officers who planned it. In this opinion the committee do not concur. In their judgment the plan of attack was well conceived, and was only frustrated by the extraordinary vigour and spirit of the defence, combined with some fortuitous circumstances which operated in our favour. What was the extent of the enemy's topographical knowledge of the country, we do not know. It is very certain that they were fully aware of the direction of the narrow channel which led to the southwest end of the island. Their object was to concentrate, by a simultaneous movement, the principal part of their land and naval forces at the southwest end of the island, to storm the battery at that point, whilst, at the same time, the second division of boats should effect a landing on the north, and a detachment of the land forces, crossing Wise's creek, should invade the island on the

south by means of the foot bridge across the inlet opposite to Stringer's house. Had the plan been executed as conceived, the struggle would no doubt have been a very sanguinary one; but it is difficult to imagine that the island could have held out against an assault from such different quarters, and by such overpowering numbers. How then was it defeated? Wise's creek, and the swamp in rear of the house, presented an impassable barrier to the detachment sent to reach the island by the bridge. The flats, extending very far out on the north of the island, prevented a near approach from that quarter; whilst the barges, which took the course of the channel around the southwest end of the island, were exposed to the full play of our battery, and encountered so galling and terrific a fire from it, that they could not approach further under it. A change of direction was, therefore, visible in their movements, and when the Centipede changed her course towards the north, with her broadside inclined towards the battery, a shot from it instantly sunk her, disabling all on her after-thwart, and amongst them the leader of the expedition, by a severe wound in the thigh. The same fate followed the four succeeding boats. As our fire became more and more destructive, their confusion increased until the order for a retreat to the ships was given. And thus protected on the north and south by a position inaccessible to the enemy, and on the west by the unequalled skill and intrepid gallantry of our artillery, we foiled all their well conceived plans, and repulsed them with great slaughter. All the British officers, of whose opinions we have heard since the action, have expressed their unqualified astonishment at the precision and accuracy of our guns.

After this plain and impartial exposition of the facts of this engagement, which rests for its support in all its details upon the official reports, or upon the testimony of eye witnesses, attached to both branches of the service, it cannot be difficult to assign to all, who were upon the island upon that occasion, their just participation in the glory of that achievement.

It may then be said, with great propriety, that every officer and soldier on the island upon that occasion, is entitled to some credit and to some share in the glory which was added to the national arms. They were there, in the face of a formidable foe, ready and willing to perform whatever duty the chances of the day might devolve upon them. But so it is, and so it ever will be, that in every field of fame the opportunity of distinction is rarely given to all. Sometimes it falls to the cavalry, sometimes to the infantry, and sometimes to the artillery, and sometimes to particular corps or individuals in those respective arms of the service. Each must be content with the share which fortune allots to him. In this engagement, that distinction belongs to the **ARTILLERY**. The enemy, at no time, was enabled to approach within the range of rifles or musketry. The repulse, both by land and water, was effected by the guns of the battery. Upon this point there is no contrariety of statement to be found any where.

It then being conceded, that to the artillery is due the effective execution of that day, it only remains to ascertain who constituted that artillery corps, and by whom the guns were so effectively served and directed on that occasion.

The position occupied, and the service rendered by *Maj. Faulkner*, are as free from doubt or difficulty as the fact itself is, that the artillery achieved the results of that day. The official report of the action, the contemporaneous and subsequent histories of that event, the testimony taken before this committee, all concur in assigning to him the chief and active command of the artillery on that day. It is only necessary to add, that he discharged his duty.

It remains, then, only to ascertain by what corps and officers, under his direction, the guns were commanded and managed during the action; and on this point an unfortunate controversy has sprung up within the last four years, which never had any just basis for its existence, and which it is now happily in the power of this committee to place at rest forever.

This controversy was started in 1845, by Capt. W. Brandford Shubrick of the United States navy. Taking exception to the account which Ch. J. Ingersoll gave of this action, in a history of the late war with Great Britain, then recently published, and in which account Mr. Ingersoll undoubtedly committed some errors, Commodore Shubrick, as the basis of future historical correction, furnished himself to that historian a detailed account of that engagement. The paper was manifestly written by that distinguished officer, from recollection merely, after a lapse of thirty-two years, and without referring to the official report or to any of the contemporaneous histories. It is otherwise difficult to account for the numerous and palpable blunders exhibited in every portion of it. This committee cannot devote any space of this report to a detailed exposition of those errors. It is sufficient for their present purpose, here, to state that he unjustly claims for the officers of the Constellation, the exclusive management of all the effective guns in that action, and denies to the officers of the state artillery of Virginia all active participation in that engagement. A publication so extraordinary as this, and so directly at variance with all the official and historical accounts of that action, could not fail to attract some attention from the surviving participants in that affair. The statement of Commodore Shubrick was consequently soon followed by numerous other publications, in which an equally extreme and untenable ground was taken, which excluded the naval officers from all merit in that achievement. There never were, at any time, any reliable data upon which either of these positions could have been maintained. The facts of that action were too notorious, and the records of the country too clear and complete. If we refer back to the official report of the action, which for thirty-two years was acquiesced in without a murmur of discontent, it will be perceived that ample justice is done to both branches of the service, to the extent of their actual participation in it. Six pieces of the artillery are assigned by the report to the state officers; one inferentially, although not in terms, to the naval officers. If we refer to the histories of that event, published shortly after the war, although they abound in numerous errors as to the position of the forces, the same partition of cannon is made between the state and naval officers, and to their united valour and skill is justly ascribed the result of that action. Why, therefore, at this distant day, should an effort be made by either corps to deprive the other of its

just participation in that gallant achievement? It is for those who originated this controversy to explain. In the opinion of this committee, there was glory enough acquired on that day to fill the ambition of all.

The historians who have heretofore given an account of this engagement, have fallen into several material errors. Thompson and Brackenridge represent the British land forces as having been repelled in the act of crossing the inlet to Craney Island. And Ingersoll represents the enemy as having actually landed on the island. Both these statements are incorrect. They never reached the inlet, and never landed on the island. Again, the two first named historians represent the artillery force as being composed of two distinct corps—under distinct commands, situated at different points of the island—the one, the naval force, under Lieut. Neale, exclusively concerned in repelling the approach of the barges by water; the other, the state artillery, exclusively concerned in repelling the advance of the enemy by land. This is also a mistake. There was but one battery in the action, and that was at the west end of the island. It consisted of seven pieces; the 18 pounder, assigned to 1st Lieut. Neale of the navy, was between the two 24 pounders, and the four 6 pounders, under the command of the officers of the Portsmouth artillery. The officers of the navy who came upon the island to aid and assist in the defence, took their position as volunteer artillerists, subject to the lineal rank then in command. They constituted no separate corps, but were throughout the whole action as completely under the direction and command of Major Faulkner as the officers of the Portsmouth artillery were. The repulse of the enemy, therefore, both by land and water, was the united act of this battery, in which six of the pieces were commanded by state officers, and one by an officer of the navy. The artillery on the island constituted one corps—under one leader.

Much of the éclat, which attached to the gun under the immediate command of Lieut. Neale, resulted from the general impression and belief that it was a shot from the 18 pounder which passed through and sunk the Centipede. Whether that result was produced by a shot from the 18, or one of the 6 pounders, this committee will not undertake to determine. There are strong and confident statements and opinions sustaining either view, which will be found in the appendix accompanying this report. But to whichever gun it may be awarded, it can detract nothing from the efficiency of the other. All concede that Lieut. Neale fired his gun with extraordinary skill and gallantry, and with most effective execution; and the same may, with equal justice, be said of Emerson, Godwin, Howle, Young and Moffit.

The repulse of the British forces, therefore, at Craney Island on the 22d of June 1813, was the result of the united skill and gallantry of Virginia volunteers and of American sailors, and let each enjoy the proud satisfaction of having contributed to the glory and the defence of our common country, without seeking to detract from the other their just share in the triumphs of that eventful day.

The committee, in this investigation, have derived great aid from a rough drawing, sketched and coloured by George F. de la Roche, on the 23d of June 1813, in the marquee of Major Faulkner, the com-

manding officer of artillery, the day after the action, exhibiting a general view of the topography of the country, and of the position of the American and British forces and shipping, which interesting document that gentleman, since become a most distinguished engineer, has kindly presented to the state librarian, to be preserved in the public library of the commonwealth.

The committee have opened a correspondence with the Hon. John Y. Mason, secretary of the navy, requesting that the brass three pounder, the only remaining trophy of that gallant action, and now at the navy yard at Gosport, shall be transferred to the capitol of this state, where it should rightfully be. For, even if it be, that a shot from the gun under the command of Lieut. Neale sunk the Centipede, from which that trophy was taken, still Lieut. Neale himself was acting in that service under the command of an officer of the state artillery, and the trophy justly belongs to this commonwealth. No reply has yet been received from the secretary of the navy, but no doubt is entertained that this just and reasonable request will be granted.

The committee have deemed it advisable to annex to this report an appendix, presenting some interesting original communications, addressed to them, in full, and extracts from others, touching the matters embraced in this report, and they have also caused to be prepared a map, illustrating the defence of Craney Island, which, in their opinion, should be lithographed, to accompany the report.

After a careful consideration of the whole subject, they have come to the conclusion to recommend to the house of delegates the adoption of the following resolutions:

1. *Resolved by the general assembly of Virginia*, That the thanks of the people of this commonwealth are due to all the officers and soldiers, seamen and marines, who were present at the defence of Craney Island, on the 22d of June 1813, for the patriotic zeal manifested by them in their willingness to encounter an enemy of superior and overwhelming numbers, in defence of the honour and interests of their country.

2. *Resolved*, That the thanks of the people of this state are due in an especial manner to the commanding officer of the artillery, to the officers and soldiers of the Portsmouth artillery company, and to such of the officers and seamen of the Constellation as acted in conjunction with the state artillery, which arm of the service on that occasion, by its skill and gallantry, repulsed the enemy, both by land and water, with great slaughter—defeated their meditated attack upon the island, and relieved the cities of Norfolk and Portsmouth from the dangers and offensive annoyance of an invading foe.

3. *Resolved*, That without discriminating as to the relative merit of the state artillery, and the naval reinforcement on the island, in the accomplishment of these brilliant and important results, it is due by Virginia, and is in accordance with the usages of this state, and of all the other states of the Union, to signalize the gallantry and patriotism of the officers of our own state troops, by some appropriate testimonial of the gratitude and thanks of this commonwealth.

4. *Resolved*, That the governor of this commonwealth be and he is hereby instructed to have prepared swords with suitable inscriptions and devices, and to present to Major James Faulkner, Captain Arthur Emerson, Lieutenant Parke G. Howle and Lieutenant Thomas Godwin, if living, each a sword, and if dead, to their nearest male heir, as commemorative of the skill and gallantry of said officers in the defence of Craney Island in this state, when attacked by the British forces.

5. *Resolved*, That the governor be in like manner instructed to cause to be prepared three gold medals, with appropriate inscriptions, and to present the same to William P. Young, Sergeant Livingston and Corporal Moffit, three noncommissioned officers of the Portsmouth artillery, who distinguished themselves by their zeal and gallantry in that action.

The first, second and third resolutions were severally agreed to.

The fourth resolution was amended by striking therefrom the words "*and if dead, to the nearest male heir*," and as amended agreed to.

The fifth resolution and the preamble were severally agreed to, and it was ordered that the clerk communicate the said preamble and resolutions to the senate and request their concurrence.

Mr. STOVALL submitted the following resolution :

Resolved, That when the general assembly adjourns on the 15th instant, it will adjourn to meet again on the 28th of May next.

A motion was made by Mr. FERGUSON that the resolution be laid upon the table, and it was determined in the negative. Ayes 35, noes 80.

On motion of Mr. STOVALL, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Watson, Smith, Layne of Alleghany, Powell, M'Cue, Sheffey, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Irvine of Campbell, Lacy, Segar, Scott, Rector, Stillman, Price, Lancaster, Worthington, Thomson of Jefferson, Ferguson, M'Donald, Cleudenin, Barnett, Gustin, Perrow, Pannill, Cackley, Fairfax, Goff, Strother, Dorman, Burdett, Collins and Boyd—35.

NOES—Messrs. Finney, Nock, Hart, Boisseau, Cheatham, Byrd, Mitchell, Hudson, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moore, Moncure of Caroline, Cardwell, Barbour, Clarke, Thomas, M'Clung, Howard of Floyd, Edwards, Wood, Sydnor, Baily, Clopton, Guerrant, Carroll, Stovall, Major, Allen, Hiatt, Bassel, Boykin, Laidley, Wallace, Houser, Tomlin, Webb, Lane of Lee, White, Harrison of Loudoun, Beard, Harris, Newman, Shepard, Coleman, Whittle, Tanzey, Beirne of Monroe, Kilby, Robinson, Butt, Cowper, Yerby, Pitts, Buswell, Turner, Hiner, Syme, Grasty, Herbert, Wootton, Rives, Harrison of Prince William, Mayo, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Conway, Moncure of Stafford, Hargrave, Nicholson, George, Boyers, Massey and Harvey—80.

And the question being put upon the adoption of the resolution, was determined in the affirmative. Ayes 104, noes 11.

On motion of Mr. HERBERT, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Finney, Nock, Hart, Watson, Smith, Layne of Alleghany, Boisseau, Powell, Cheatham, M'Cue, Sheffey, Byrd, Mitchell, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moore, Irvine of Camp-

bell, Moncure of Caroline, Cardwell, Jones, Barbour, Clarke, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Edwards, Wood, Sydnor, Bailly, Clopton, Guerrant, Carroll, Stovall, Major, Allen, Hiatt, Bassel, Boykin, Laidley, Wallace, Houser, Webb, Lane of Lee, Ferguson, White, Harrison of Loudoun, Beard, Harris, Newman, Shepard, Coleman, Whittle, Tanzey, Beirne of Monroe, Barnett, Gustin, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Pitts, Pannill, Buswell, Turner, Hiner, Syme, Grasty, Cackley, Fairfax, Herbert, Wootton, Rives, Harrison of Prince William, Strother, Mayo, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Conway, Moncure of Stafford, Hargrave, Nicholson, Burdett, George, Boyers, Massey, Harvey and Collins—104.

NOES—Messrs. Lacy, Segar, Stillman, Price, Worthington, Thomson of Jefferson, Tomlin, M'Donald, Clendenin, Goff and Boyd—11.

Ordered, That Mr. STOVALL carry the same to the senate and request their concurrence.

No. 217. An engrossed bill to amend the act incorporating the Orange and Alexandria railroad company, passed March 27th, 1848, was read a third time and passed. Ayes 62, noes 41.

On motion of Mr. MAJOR, the vote was recorded as follows:

AYES—Messrs. Hart, Watson, Smith, Layne of Alleghany, Powell, M'Cue, Sheffey, Mitchell, Burwell, Faulkner, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, Kyle, Moore, Irvine of Campbell, Barbour, Segar, Thomas, Scott, Rector, Howard of Floyd, Wood, Sydnor, Carroll, Price, Allen, Hiatt, Lancaster, Worthington, Laidley, Ferguson, White, Harrison of Loudoun, Beard, Newman, Clendenin, Tanzey, Beirne of Monroe, Barnett, Gustin, Perrow, Pitts, Pannill, Cackley, Fairfax, Harrison of Prince William, Goff, Strother, Mayo, Dorman, Aston, Fugate, Thompson of Smyth, Conway, Burdett, George, Boyers, Massey, Goodson, Collins and Boyd—62.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Cheatham, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Cardwell, Clarke, Stillman, Edwards, Clopton, Guerrant, Stovall, Major, Bassel, Thomson of Jefferson, Houser, Webb, Lane of Lee, Harris, Shepard, Coleman, Whittle, Kilby, Cowper, Yerby, Buswell, Turner, Hiner, Grasty, Herbert, Wootton, Rives, Paxton, Martz, Harper, Pitman, Sibert, Hargrave and Nicholson—41.

Ordered, That Mr. STROTHER carry the said bill to the senate and request their concurrence.

On motion of Mr. MARTZ, the rule of the house was suspended, and the vote rejecting the bill to incorporate the Covington and Ohio railroad company was reconsidered. Ayes 52, noes 46.

On motion of Mr. JONES, the vote was recorded as follows:

AYES—Messrs. Watson, Smith, Layne of Alleghany, Powell, M'Cue, Sheffey, Burwell, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, Kyle, Irvine of Campbell, Segar, Scott, Rector, Howard of Floyd, Stillman, Bailly, Carroll, Price, Lancaster, Worthington, Laidley, Ferguson, Clendenin, Tanzey, Beirne of Monroe, Barnett, Perrow, Robinson, Pitts, Pannill, Buswell, Hiner, Cackley, Fairfax, Goff, Mayo, Dorman, Paxton, Martz, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Conway, George, Boyers, Goodson, Collins and Boyd—52.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Hart, De Camps, Macfin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Lacy, Cardwell, Jones, Clarke, Edwards, Wood, Sydnor, Clopton, Guerrant, Stovall, Major, Hiatt, Thomson of Jefferson, Houser, Tomlin, Webb, Lane of Lee, White,

Harrison of Loudoun, Beard, Harris, Newman, Shepard, Coleman, Whittle, Gustin, Kilby, Cowper, Yerby, Turner, Grasty, Herbert, Wootton, Rives, Harrison of Prince William, Hargrave, Nicholson and Harvey—46.

The question recurred upon the passage of the bill; thereupon, a clause by way of ryder thereto, was submitted by Mr. PRICE, which was twice read, and forthwith engrossed and read a third time; and then, on motion of Mr. STOVALL, the bill and ryder were ordered to be laid upon the table and made the order of the day for Wednesday next 11 o'clock. Ayes 54, noes 49.

On motion of Mr. STOVALL, the vote was recorded as follows:

AYES—Messrs. Finney, Nock, Cheatham, Mitchell, Faulkner, Boak, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Clarke, Thomas, Scott, Edwards, Wood, Synnor, Clopton, Guerrant, Stovall, Major, Hiatt, Bassel, Thomson of Jefferson, Houser, Tomlin, Webb, Lane of Lee, White, Harrison of Loudoun, Beard, Harris, Newman, Shepard, Coleman, Whittle, Gustin, Kilby, Cowper, Yerby, Turner, Grasty, Herbert, Wootton, Harrison of Prince William, Martz, Harper, Hargrave, Massey, Harvey and Collins—54.

NOES—Messrs. Hopkins, (speaker,) Hart, Watson, Smith, Layne of Alleghany, Powell, M'Cue, Sheffey, Hudson, Byrne of Braxton, Lewis and Gilmer, Kyle, Moore, Irvine of Campbell, Segar, M'Clung, Howard of Floyd, Stillman, Baily, Carroll, Price, Lancaster, Worthington, Laidley, Ferguson, Clendenin, Tanzey, Beirne of Monroe, Barnett, Perrow, Pitts, Pannill, Hiner, Cackley, Rives, Goff, Mayo, Dorman, Paxton, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Nicholson, Burdett, George, Boyers, Goodson and Boyd—49.

Mr. LACY, according to order, presented the following bill:

No. 495. A bill to incorporate the trustees of the Williamsburg academy.

The following engrossed bills were read a third time and passed, viz:

No. 209. A bill to amend an act, entitled "an act amending the act regulating proceedings in suits against corporations."

No. 210. A bill concerning nonresident parties to suits.

No. 212. A bill to incorporate the Winchester and Harper's Ferry telegraph company.

No. 213. A bill to incorporate the Philippi and Buckhannon turnpike company.

No. 214. A bill to amend the act passed March 10th, 1847, incorporating the Monongahela navigation company.

No. 215. A bill concerning the Berryville and Charlestown turnpike company.

No. 216. A bill to amend the act passed March 25th, 1845, incorporating the Kingwood and West Union turnpike company, and for other purposes.

No. 218. A bill increasing the compensation of the commissioner of the City of Richmond.

No. 219. A bill to incorporate the Blacksburg savings institution in the county of Montgomery; and

No. 220. A bill to extend the charter of the Franklin society and library company of Lexington.

Ordered, That the clerk communicate said bills to the senate and request their concurrence.

No. 221. A bill releasing to Washington Skelton a certain fine imposed by the circuit superior court of law and chancery for King & Queen county, was, on motion of MOORE, ordered to be laid upon the table.

The following engrossed bills were also read a third time and passed, viz:

No. 222. A bill concerning John E. Baker, adjutant of the 25th regiment of Virginia militia.

No. 224. A bill authorizing the county court of Chesterfield to reassess the lands of the Creek company of colliers.

No. 225. A bill concerning George W. Snelling, deputy of W. W. Hancock, sheriff of Chesterfield county.

No. 226. A bill to incorporate the Rapid Ann mining and manufacturing company.

No. 227. A bill to incorporate the Fluvanna gold mining company.

No. 228. A bill incorporating the Northeast gold mining company.

No. 229. A bill to incorporate the Spottsylvania gold mining company.

No. 230. A bill changing the name of the Striderian manufacturing company.

No. 231. A bill to incorporate the Pocahontas savings bank.

No. 233. A bill providing for taking the sense of the citizens of Middlesex county upon the removal of the seat of justice for said county; and

No. 233.* A bill for the relief of Leroy M. Wilson.

Ordered, That the clerk communicate said bills to the senate and request their concurrence.

The following engrossed bills were, on motions severally made, ordered to be laid upon the table:

No. 234. A bill for the relief of J. D. Imboden, as treasurer of schools for Augusta county.

No. 235. A bill to suspend, on certain conditions, the payment of interest on the loan to Emory and Henry college; and

No. 223. A bill concerning the heirs and distributees of John Wood-sides deceased.

On motion of Mr. FAULKNER,

Ordered, That leave be given to bring in a bill authorizing the enlistment of musicians for the Military institute, and that Messrs. Faulkner, Dorman, Lacy, Yerby and Worthington prepare and bring in the same.

Mr. FAULKNER subsequently, according to order, presented the following bill:

No. 496. A bill authorizing the enlistment of musicians for the Military institute.

No. 155. A bill divorcing James B. Harrison from his wife Sarah C. Harrison, and for other purposes, heretofore reported from the committee for courts of justice, without amendment, was taken up and ordered to be engrossed and read a third time.

The following bills were read a second time, amended on motions severally made, and as amended ordered to be engrossed and read a third time, viz:

No. 237. A bill to protect and regulate ferry rights in the county of Wayne.

No. 239. A bill to authorize a separate election at the house of John F. Petty in the county of Wirt.

No. 241. A bill to authorize a separate election at the house of Jacob Guseman in the county of Preston.

No. 242. A bill to amend the act passed March 1, 1847, entitled "an act to increase the capital stock of the Staunton and James river turnpike company, for the purpose of macadamizing their road;" and

No. 245. A bill to provide for the construction of the Tazewell courthouse and Fancy gap turnpike road.

The following bills were read a second time and ordered to be engrossed and read a third time, viz :

No. 236. A bill to change the place of holding a separate election in the county of Wirt.

No. 238. A bill for the protection of persons engaged in destroying wolves in the county of Hardy.

No. 240. A bill to authorize a separate election at the house of George J. Davis, in the county of Doddridge; and

No. 244. A bill releasing the Rivanna navigation company from any forfeiture of its charter on account of failure to construct its work on the scale prescribed in the charter.

No. 243. A bill to incorporate the Hillsborough and Harper's Ferry turnpike company, was, on motion of Mr. WORTHINGTON, ordered to be laid upon the table.

On motion of Mr. DORMAN, the house adjourned until Monday 10 o'clock.

MONDAY, MARCH 5, 1849.

Prayer by the Rev. H. B. COWLES of the Methodist church.

A communication from the senate, by their clerk, was read as follows :

IN SENATE, MARCH 1, 1849.

The senate have passed the bills, entitled

"An act concerning Nathaniel Poindexter of the county of Halifax." (No. 131.)

"An act to prohibit the taking of fish with seines or nets by non-residents in the Great and Little Kanawha rivers and their tributaries, within the jurisdiction of this state," (No. 136;) and

"An act extending the jurisdiction of the hustings court of Fredericksburg." (No. 203.)

And have postponed indefinitely, the bill "concerning the jurisdiction of courts of chancery." (No. 158.)

And they have agreed to the resolution fixing the pay of the clerk to the committee on revisal.

Mr. JONES, from the committee of propositions and grievances, presented a report upon the memorial of citizens of the county of Brooke; and the following bills :

No. 497. A bill allowing a reward for killing wild cats in the counties of Franklin, Pendleton and Highland.

No. 498. A bill incorporating the Marion bridge company.

No. 499. A bill to incorporate the Southwestern and Atlantic telegraph company; and

No. 500. A bill authorizing a separate election at the storehouse of Charles R. Edmondson, in the county of Mecklenburg.

Mr. SHEFFEY, according to order, presented the following bill:

No. 501. A bill to incorporate the Buchanan and Roanoke railroad company.

On motion of Mr. TOMLIN,

Resolved by the general assembly, That the executive of the commonwealth be authorized, and is hereby required, to deliver unto J. H. Pitts, principal of Rumford academy, fifty stand of arms, of the same character as those delivered to the principal of the King & Queen academy during the last session of the general assembly.

Ordered, That the clerk communicate the same to the senate, and request their concurrence.

On motion of Mr. YERBY,

Resolved, That the council of state be requested to furnish to this house, a copy of their advice or advices given in January last, upon the settlement of the claim of John M. Seely, for work done by him for the commonwealth.

Mr. BURWELL, from the committee of schools and colleges, presented the following bill:

No. 502. A bill to incorporate the trustees of the Mount Pleasant academy in Bedford.

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bill:

No. 503. A bill to amend the act passed April the 3d, 1848, chap. 175, concerning the Newmarket and Sperryville turnpike company.

On motion of Mr. MASSEY,

Resolved, That a committee of three be appointed by this house, to unite with a like committee to be appointed by the senate, for the purpose of recommending to the two houses suitable arrangements for the reception of James K. Polk, late president of the United States, who is expected to be in the City of Richmond on Tuesday the 6th instant.

Ordered, That Mr. MASSEY carry the same to the senate, and request their concurrence.

On motion of Mr. ROBINSON,

Resolved, That the committee on revision be instructed, in compiling the laws in relation to the appointment of bank directors, so to change the laws on that subject as to give to the state a number of directors in all banks in proportion to its interest in such banks.

Mr. PRICE presented a petition of John E. Lewis, D. A. Stofer and Jonathan Cross, a committee of Spring Division No. 104, of the Sons of Temperance, asking for an act of incorporation.

Mr. GEORGE, a petition of the Tazewell Sons of Temperance, Division No. 105, for an act of incorporation, and for other purposes.

Ordered, That said petitions be referred to the committee of propositions and grievances.

Mr. POWELL presented a petition of citizens of the county of Amherst, asking the repeal of the charter of the Lynchburg and Buffalo springs turnpike company, which was ordered to be referred to the committee of roads and internal navigation.

Mr. LAYNE of Alleghany presented a petition of William Rucker, praying to be divorced from his wife Elizabeth Rucker, which was ordered to be referred to the committee for courts of justice.

Mr. SHEFFEY presented a petition of Alexander H. H. Stuart and other citizens of Augusta county, for the passage of a law for the removal of free people of colour from the commonwealth, which was ordered to be laid upon the table.

No. 360. A bill changing the time of holding the spring term of the circuit superior court of law and chancery for the county of Nicholas, was taken up on motion of Mr. PRICE, read the first and (the rule of the house having been suspended therefor) the second time, forthwith engrossed and read a third time and passed.

Ordered, That Mr. PRICE carry the same to the senate, and request their concurrence.

No. 411. A bill changing the place of holding a separate election in the county of Prince George, was taken up on motion of Mr. RIVES, read a second time, and ordered to be engrossed and read a third time.

No. 431. A bill changing the time of holding the circuit superior courts of Appomattox, Charlotte and Halifax counties, was taken up, on motion of Mr. CHEATHAM, read the first and second time, and ordered to be engrossed and read a third time.

No. 243. A bill to incorporate the Hillsborough and Harper's Ferry turnpike company, was taken up on motion of Mr. WORTHINGTON, read a second time, amended, and as amended ordered to be engrossed and read a third time.

No. 234. An engrossed bill concerning the heirs and distributees of John Woodsides deceased, was taken up on motion of Mr. ROBINSON, read a third time, and then, on motion of Mr. RIVES, laid upon the table.

No. 234. An engrossed bill for the relief of J. D. Imboden, as treasurer of schools for Augusta county, was taken up, on motion of Mr. SHEFFEY, read a third time and passed.

Ordered, That the clerk communicate said bill to the senate, and request their concurrence.

On motion of Mr. PITTS,

Resolved, That the clerk of this house be, and he is hereby directed to have printed a sufficient number of the law changing the time of holding the circuit superior courts of law and chancery for the 19th and 20th circuits, and to forward a copy of said law when printed to the judges of said circuits, and also a copy to the clerks of said court for each county in the said circuits.

Mr. YERBY submitted the following resolution :

Resolved by the general assembly of Virginia, That the Board of public works be, and they are hereby required to suspend the execution of any new contract to complete the Southwestern turnpike road on state account, until the fate of the bill now pending before the senate,

and the bill for the construction of the Virginia and Tennessee railroad, is finally acted upon and determined; and in the event of the passage of said bill, the authority heretofore conferred upon the said board to construct said railroad, (except as far as they have actually entered into contracts for the same,) be, and the same is hereby suspended.

On motion of Mr. MAJOR, the said resolution was ordered to be laid upon the table and made the order of the day for Wednesday next.

On motion of Mr. FERGUSON,

Resolved, That the committee appointed to bring in a bill providing for a reassessment of the lands throughout the commonwealth, have leave (should they deem it expedient to do so,) to report a bill providing only for the reassessment of the lands west of the Blue Ridge.

No. 221. An engrossed bill releasing to Washington Skelton a certain fine imposed by the circuit superior court of law and chancery for King & Queen county, was taken up on motion of Mr. HOUSER, read a third time and passed.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

No. 183. A bill to amend the act, entitled "an act to reduce into one the several acts for regulating ordinaries and houses of private entertainment and for the restraint of tippling houses," was taken up on motion of Mr. FERGUSON, read a second time, and ordered to be engrossed and read a third time.

A message was received from the senate by Mr. Woods, who informed the house that the senate insisted upon their amendments to the bill, entitled "an act adding the county of Bedford to the eighth judicial circuit," to which the house of delegates disagreed.

The said amendments were again read, and on motion of Mr. BURWELL, the house receded from its disagreement thereto and then agreed to the same.

Ordered, That the clerk inform the senate thereof.

No. 349. An engrossed bill to authorize a separate election at the house of George J. Davis in the county of Doddridge, was read a third time, amended on motion of Mr. STROTHER by way of ryder, and as amended passed; and the title of the bill was amended on his motion, and as amended agreed to as follows: "An act to authorize a separate election at the house of George J. Davis in the county of Doddridge, and to change a precinct election in the county of Rappahannock."

No. 239. A bill to authorize a separate election at the house of John F. Petty in the county of Wirt, was read a third time, amended on motion of Mr. THOMAS by way of ryder, and as amended passed; and the title was amended on his motion, and as amended agreed to as follows: "An act to authorize separate elections in the counties of Wirt, Bath and Fairfax."

No. 241. An engrossed bill to authorize a separate election at the house of Jacob Guseman in the county of Preston, was read a third time, amended by way of ryder on motion of Mr. TANZEY, and as amended passed; and the title of the bill was amended on motion of Mr. PITTS, and as amended agreed to as follows: "An act to authorize separate elections in the counties of Preston, Ohio and Monongalia."

Ordered, That the clerk communicate said bills to the senate, and request their concurrence.

No. 242. A bill to amend the act passed March 1, 1847, entitled "an act to increase the capital stock of the Staunton and James river turnpike company, for the purpose of macadamizing their road," was read a third time and passed.

Ordered, That Mr. HART carry the same to the senate and request their concurrence.

The following engrossed bills were read a third time and passed :

No. 155. A bill divorcing James B. Harrison from his wife Sarah C. Harrison, and for other purposes.

No. 236. A bill to change the place of holding a separate election in the county of Wirt.

No. 237. A bill to protect and regulate ferry rights in the county of Wayne.

No. 238. A bill for the protection of persons engaged in destroying wolves in the county of Hardy.

No. 244. A bill releasing the Rivanna navigation company from any forfeiture of its charter on account of failure to construct its work upon the scale prescribed in the charter.

Ordered, That the clerk communicate the said bills to the senate, and request their concurrence.

No. 245. An engrossed bill to provide for the construction of the Tazewell courthouse and Fancy gap turnpike road, was read a third time, and the question being put upon its passage, was determined in the negative.

Resolved, That said bill be rejected.

No. 205. A bill to extend to machinists and workers in iron the lien given to mechanics and others, for labour and materials expended in erecting or repairing houses, with the recommendation of the committee for courts of justice, proposing to reject it, was taken up, and on motion of Mr. PRICE the farther consideration of said bill was indefinitely postponed.

Resolved, That said bill be rejected.

No. 246. A bill for the survey of a route for a railroad from the Louisa railroad to the Lynchburg and Tennessee railroad, was, on motion of Mr. SHEFFEY, ordered to be laid upon the table.

No. 247. A bill to establish a bank at Scottsville in the county of Albemarle was read a second time, amended on motion of Mr. HART, and as amended, ordered to be engrossed and read a third time.

No. 248. A bill providing for the improvement of the navigation of Twelve Pole river, was read a second time, and ordered to be engrossed and read a third time.

No. 249. A bill to authorize a subscription for the commonwealth to the stock of the Richmond and Pamunkey railroad company, was read a second time, amended on motion of Mr. LACY, and as amended ordered to be engrossed and read a third time.

No. 250. A bill providing for the punishment of free negroes was read a second time, and on motion of Mr. MAJOR the farther consideration thereof was indefinitely postponed.

Resolved, That said bill be rejected.

A message was received from the senate by Mr. TAIT, who informed the house that the senate agreed to the resolution for proposing arrangements for the reception of James K. Polk, late president of the United States.

And a committee was appointed under said resolution, to consist of Messrs. Massey, Mayo and Tomlin.

No. 251. A bill to take the sense of the people on the deportation of free negroes, was read a second time; thereupon, a motion was made by Mr. PITTS that the farther consideration thereof be indefinitely postponed; and the same being undecided,

On motion of Mr. FINNEY, the house adjourned until to-morrow 10 o'clock.

TUESDAY, MARCH 6, 1849.

Prayer by the Rev. JACOB MANNING of the Methodist church.

A communication from the senate by their clerk was read as follows:

IN SENATE, MARCH 5, 1849.

The senate have passed the bill, entitled

"An act changing the time of holding the spring term of the circuit superior court of law and chancery for the county of Nicholas," (No. 360,) with amendments, in which they request the concurrence of the house of delegates.

The said amendments being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

Mr. WORTHINGTON, from the committee for courts of justice, presented the following bill:

No. 504. A bill divorcing William Rucker from his wife Elizabeth.

Mr. MASSEY, from the joint committee appointed on yesterday, presented a report, which was read and agreed to as follows:

The committee appointed to recommend to the general assembly of Virginia suitable arrangements for the reception of James K. Polk, late president of the United States, report, that in their estimation it would be appropriate that a committee from the house, to unite with a similar one from the senate, should be appointed to receive Mr. Polk on his arrival in the city, and conducting him to the capitol, to introduce him to the two houses, assembled for the purpose in the hall of the house of delegates; and that the governor and council be invited to participate in the proceedings. And that after an appropriate welcome by the speaker of the house, the two houses take a recess, to allow Mr. Polk to interchange greetings with the members and citizens who may desire to testify their respects.

Resolved, That a joint committee, to consist of eight upon the part of the house of delegates, and five upon the part of the senate, be appointed to carry the foregoing recommendations into effect.

Ordered, That Mr. MASSEY carry the same to the senate and request their concurrence.

On motion of Mr. LAYNE of Alleghany,

Resolved, That the Board of public works be requested to furnish to this house full information, as far as they can, shewing how far the Southwest M'Adamized road has been put under contract, and to what extent the contracts have been completed.

On motion of Mr. TANZEY,

Resolved, That the committee on revision be instructed to enquire into the propriety of amending the several acts in relation to ferries on the Ohio river and its tributaries, so as to provide an additional allowance for ferrying over large wagons carrying three or four tons, and also for ferrying between the hours of 9 o'clock at night and 5 o'clock in the morning.

A motion was made by Mr. SYME, that the house take up a bill to establish the Virginia armory school, (No. 184;) and the question being put thereupon, was determined in the negative. Ayes 29, noes 49.

On motion of Mr. STOVALL, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Hart, Cheatham, Mitchell, Moncure of Caroline, Lacy, Jones, Vaughan, Clopton, Boykin, Worthington, Laidley, Wallace, Tomlin, M'Donald, Shepard, Kilby, Pitts, Syme, Grasty, Rives, Goff, Cook, Aston, Hargrave, Nicholson, George and Goodson—29.

NOES—Messrs. Nock, Watson, Layne of Alleghany, Sheffey, Byrd, Hudson, De Camps, Kyle, Cardwell, Segar, Thomas, Scott, Edwards, Wood, Sydnor, Guerrant, Stovall, Major, Allen, Hiatt, Darracott, Welton, Bassel, Thomson of Jefferson, Webb, Lane of Lee, Harris, Newman, Arnett, Coleman, Tanzey, Robinson, Cowper, Basye, Buswell, Turner, Hiner, Herbert, Wootton, Harrison of Prince William, Mayo, Paxton, Martz, Harper, Fugate, Pitman, Sibert, Collins and Boyd—49.

No. 431. An engrossed bill changing the time of holding the circuit superior courts of Appomattox, Charlotte and Halifax counties, was on motion of Mr. CHEATHAM, ordered to be laid upon the table.

The following engrossed bills were read a third time and passed, viz:

No. 248. A bill providing for the improvement of the navigation of Twelve Pole river.

No. 411. A bill changing the place of holding a separate election in the county of Prince George.

No. 243. A bill to incorporate the Hillsborough and Harper's Ferry turnpike company; and

No. 183. A bill to amend the act, entitled "an act to reduce into one the several acts for regulating ordinaries and houses of private entertainment, and for the restraint of tippling houses."

Ordered, That the clerk communicate said bills to the senate and request their concurrence.

No. 247. An engrossed bill to establish a bank at Scottsville in the county of Albemarle, was read a third time and passed. Ayes 53, noes 43.

On motion of Mr. STOVALL, the vote was recorded as follows:

AYES—Messrs. Finney, Hart, Watson, Layne of Alleghany, Cheatham, M'Cue, Sheffey, Mitchell, Faulkner, Hudson, De Camps, Kyle, Irvine of Campbell, Lacy, Cardwell, Segar, Clarke, Thomas, Scott, Stillman, Carroll, Darracott, Welton, Lancaster, Howard of James City, York and Williams—

burg, Worthington, Thomson of Jefferson, Laidley, Webb, Ferguson, Clendenin, Kilby, Robinson, Cowper, Yerby, Basye, Pitts, Turner, Syme, Townes, Grasty, Cackley, Wootton, Goff, Strother, Mayo, Cook, Aston, Fugate, George, Goodson, Collins and Boyd—53.

NOES—Messrs. Nock, Byrd, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Vaughan, Claiborne, Edwards, Wood, Sydnor, Baily, Guerrant, Stovall, Major, Allen, Hiatt, Boykin, Houser, Tomlin, Lane of Lee, Harris, Newman, Arnett, M'Donald, Shepard, Tanzey, Beirne of Monroe, Butt, Buswell, Hiner, Herbert, Rives, Harrison of Prince William, Paxton, Martz, Harper, Pitman, Sibert, Hargrave, Nicholson and Boyers—43.

No. 223. An engrossed bill concerning the heirs and distributees of John Woodsides deceased, was taken up on motion of Mr. ROBINSON, read a third time, and the question being upon its passage, Mr. SYME submitted a ryder, which was twice read, amended and engrossed, and read a third time, and the question being put upon the passage of the bill with the ryder, was determined in the affirmative. Ayes 58, noes 30.

On motion of Mr. TURNER, the vote was recorded as follows :

AYES—Messrs. Layne of Alleghany, Cheatham, M'Cue, Sheffey, Byrd, Mitchell, Burwell, Hudson, Irvine of Campbell, Cardwell, Segar, Clarke, Stillman, Claiborne, Edwards, Baily, Carroll, Stovall, Allen, Hiatt, Darracott, Lancaster, Boykin, Howard of James City, York and Williamsburg, Thomson of Jefferson, Houser, Webb, Lane of Lee, Ferguson, Arnett, M'Donald, Clendenin, Beirne of Monroe, Kilby, Robinson, Butt, Cowper, Basye, Pitts, Buswell, Hiner, Syme, Townes, Cackley, Herbert, Wootton, Goff, Strother, Cook, Martz, Harper, Aston, Fugate, Pitman, Sibert, Boyers, Collins and Boyd—58.

NOES—Messrs. Nock, Watson, De Camps, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moncure of Caroline, Jones, Barbour, Vaughan, Thomas, Wood, Sydnor, Guerrant, Major, Worthington, Tomlin, Harris, Newman, Shepard, Coleman, Tanzey, Yerby, Turner, Grasty, Rives, Harrison of Prince William, Hargrave, Nicholson and George—30.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 252. A bill defining the duties of officers conducting election precincts in certain cases, was read a second time, amended on motions severally made, and as amended ordered to be engrossed and read a third time.

No. 249. An engrossed bill, authorizing a subscription on behalf of the commonwealth to the capital stock of the Richmond and Pamunkey railroad company was read a third time, and on motion of Mr. LACY ordered to be laid upon the table and made the order of the day for Thursday next.

No. 251. A bill to take the sense of the people on the deportation of free negroes was taken up, and the motion to postpone indefinitely, which was pending when the house adjourned on yesterday, having been withdrawn, on motion of Mr. FINNEY the bill was ordered to be laid upon the table.

No. 272. A bill to incorporate the Holiday's Cove railroad company was read a second time, amended on motion of Mr. DE CAMPS, and then, on his motion, laid upon the table.

No. 263. A bill to provide for constructing the Pendleton mountain

road was read a second time, amended on motion of Mr. HARPER, and as amended ordered to be engrossed and read a third time.

No. 274. A bill abolishing imprisonment for debt, and for other purposes, was amended on motion of Mr. PRICE, and then laid upon the table and made the order of the day for Friday 11 o'clock.

On motion of Mr. PRICE,

Ordered, That Messrs. Worthington and Faulkner be added to the committee appointed on Friday last, relative to the appointment of directors on the part of the state for joint stock companies.

A message was received from the senate by Mr. AVERETT, who informed the house that the senate had agreed to the resolution relative to the reception of James K. Polk, late President of the United States, and had appointed a committee on their part.

And a committee was appointed, in conformity with said resolution, of Messrs. Massey, Mayo, Tomlin, Strother, Jones, Faulkner, Cook and Pitts.

At one o'clock, in pursuance of said resolution, the senate, preceded by their SPEAKER, entered the hall, and Mr. MASSEY introduced Mr. Polk to the house. The SPEAKER, on behalf of the house, welcomed him to the hall, and delivered an address, which was responded to by Mr. Polk.

Mr. RIVES of the senate, on behalf of the joint committee, also introduced Mr. Robert J. Walker, late secretary of the treasury of the United States, who was also addressed by the SPEAKER and responded thereto.

After some time the joint committee, with the distinguished visitors, retired, and the senate returned to their chamber.

A motion was made by Mr. BYRD that the house do now adjourn, and it was determined in the negative. Ayes 13, noes 58.

On motion of Mr. THOMAS, the vote was recorded as follows :

AYES—Messrs. Nock, Byrd, De Camps, Irving of Cumberland, Guerrant, Boykin, Howard of James City, York and Williamsburg, Harris, Turner, Syme, Herbert, Rives and Nicholson—13.

NOES—Messrs. Hopkins, (speaker,) Finney, Watson, Cheatham, M'Cue, Sheffey, Mitchell, Burwell, Faulkner, Hudson, Maclin of Brunswick, Harrison of Brunswick, Kyle, Lacy, Vaughan, Clarke, Thomas, Scott, Stillman, Edwards, Price, Stovall, Allen, Hiett, Darracott, Welton, Worthington, Thomson of Jefferson, Laidley, Webb, Ferguson, Harrison of Loudoun, Shepard, Coleman, Tanzey, Kilby, Robinson, Cowper, Yerby, Booth, Pitts, Buswell, Hiner, Townes, Grasty, Cackley, Wootton, Harrison of Prince William, Goff, Paxton, Martz, Aston, Pitman, Sibert, Boyers, Goodson, Collins and Boyd—58.

The SPEAKER laid before the house a communication from the clerk of the council of state, enclosing copies of two advices given in January last, in relation to the claim of John M. Seely against the commonwealth, which, on motion of Mr. FERGUSON, was laid upon the table and ordered to be printed. [Doc. No. 77.]

No. 309. A bill authorizing a separate election at Blackwell's tanyard in the county of Albemarle, was, on motion of Mr. WATSON, ordered to be laid upon the table.

No. 380. A bill authorizing a separate election at Laurel point in

the county of Monongalia, was, on motion of Mr. TANZEY, ordered to be laid upon the table.

The following bills were read a second time, and ordered to be engrossed and read a third time, viz:

No. 253. A bill concerning Claudius Crozet.

No. 255. A bill to amend the act, entitled "an act changing the tenure of the office of surveyor."

No. 256. A bill concerning divorces.

No. 257. A bill releasing to the heirs of Edwin Ricks the commonwealth's right to certain land therein mentioned.

No. 254. A bill to amend an act, entitled "an act concerning the administration of real assets."

No. 258. A bill to amend the act, entitled "an act incorporating the Manchester bridge company."

No. 260. A bill authorizing an exchange of arms with a troop of cavalry in the county of Appomattox.

No. 261. A bill concerning Segub H. Parrock.

No. 262. A bill releasing to William Caruthers the payment of a certain fine.

No. 264. A bill to provide for M'Adamizing certain parts of the Staunton and Parkersburg road.

No. 266. A bill to change the place of holding a separate election in the county of Gilmer.

No. 267. A bill to change the place of holding a separate election in the county of Roanoke.

No. 268. A bill to authorize a separate election at the place called the Sycamores, in the county of Caroline.

No. 269. A bill to authorize a separate election at the tavern house of Samuel W. Davis in the county of Lewis.

No. 270. A bill concerning commissioners of sale, and for the collection of money under decrees of courts of chancery:

No. 271. A bill directing surveys and estimates for a railroad from New Market in Shenandoah, to the town of Parkersburg on the Ohio river; and

No. 273. A bill to provide for the sale of certain lands acquired for the use of the penitentiary, and for other purposes.

The following bills were read the first time, and ordered to be read a second time, viz:

No. 302. A bill concerning criminal prosecutions in the City of Richmond.

No. 303. A bill to incorporate the Rich Patch turnpike company.

No. 304. A bill concerning the collectors of the school taxes of Norfolk county.

No. 305. A bill authorizing part of the school quota of Frederick county to be applied to the support of a school at Middletown.

No. 306. A bill to amend the several acts relating to the Pennsylvania, Morgantown and Beverley road.

No. 307. A bill to suspend the payment of interest on the loans to the Richmond medical college.

No. 308. A bill authorizing a separate election at M'Dowell in the county of Highland.

No. 310. A bill to incorporate the Clarksburg and Philippi turnpike company.

No. 311. A bill to amend the act incorporating the Elk river bridge company.

No. 312. A bill to incorporate the Petersburg and Lynchburg railroad company.

No. 313. A bill to incorporate the Norfolk and Western railroad company.

No. 314. A bill to incorporate the Parkersburg and Tygart's valley railroad company.

No. 315. A bill directing a survey of Powell's and Clinch rivers from and to certain points therein specified.

No. 316. A bill subjecting the Appomattox railroad company to the provisions of the general railroad law.

No. 317. A bill to provide for constructing a road across the Blue Ridge between Madison and Page counties.

No. 318. A bill to permit Robert Walsh and the heirs of Anna M. Walsh to pay taxes on certain lands.

No. 319. A bill increasing the salaries of the commissioners of the revenue for the towns of Norfolk and Petersburg.

No. 320. A bill for the relief of Reuben Lee.

No. 321. A bill for the relief of Richard Gregory.

No. 322. A bill authorizing the sale of a tract of land devised by Henry Smith of Rockingham county to his daughter Elizabeth and her children.

No. 323. A bill refunding to Anthony Loftis certain fines imposed by the circuit superior court of law and chancery for Monongalia county.

No. 324. A bill concerning Charles Lovelace, jailor of the county of Pittsylvania.

No. 325. A bill to incorporate a branch bank at Jeffersonville in the county of Tazewell.

No. 326. A bill to incorporate the Monroe savings bank in the town of Union.

No. 327. A bill to amend an act, entitled "an act to amend an act for printing records of causes in the court of appeals, passed March 24, 1842, and for other purposes."

No. 328. A bill reviving the second section of an act, entitled "an act for printing records of causes in the court of appeals," passed March 24, 1842.

No. 329. A bill to amend the act passed March 13, 1848, entitled "an act for the appointment and regulation of pilots on the Potomac river."

No. 330. A bill to authorize William Blackwell of the county of Fauquier, his heirs, executors, administrators and assigns, to extend the improvement of the Rappahannock river.

No. 331. A bill to change the place of holding a separate election in the county of Clarke.

No. 332. A bill to change the place of holding a separate election in the county of Smyth.

No. 333. A bill authorizing two separate elections in the county of Logan.

No. 334. A bill to change the place of holding a separate election in the county of Boone.

No. 335. A bill concerning the fire companies in the City of Wheeling.

No. 336. A bill concerning the sergeant of the town of Lynchburg.

No. 337. A bill to amend the act, entitled "an act reducing into one act the several acts providing for the poor, and declaring who shall be deemed vagrants."

No. 338. A bill to incorporate the savings bank of Wheeling.

No. 341. A bill concerning Lieut. Robert F. Astrop.

No. 342. A bill directing the Board of public works to construct the Leading creek and German Settlement turnpike road.

No. 343. A bill to incorporate the Buchanan turnpike company.

No. 344. A bill directing to be constructed a bridge across Polk creek on the Staunton and Parkersburg road.

No. 345. A bill to incorporate the Glenville turnpike company.

No. 346. A bill to incorporate the Buckhannon and Little Kanawha turnpike company.

No. 347. A bill to relieve the inhabitants of the town of Bridgewater from the duty of working on public roads.

No. 348. A bill incorporating the Guyandotte navigation company.

No. 349. A bill to incorporate the Fishing creek and Monongahela railroad company.

No. 350. A bill to authorize Charles B. Penn of the county of Botetourt to establish a ferry or bridge across the James river.

No. 351. A bill to incorporate the Hampshire and Morgan turnpike company.

No. 352. A bill directing an additional subscription on behalf of the commonwealth to the capital stock of the Charleston and Point Pleasant turnpike company.

No. 353. A bill to incorporate the Williamsport turnpike company.

No. 354. A bill authorizing Levi Low of the county of Monongalia to increase the height of his dam.

No. 355. A bill to incorporate the Sweet and Salt Sulphur springs turnpike company.

No. 356. A bill to amend the act, entitled "an act to incorporate the Thornton's gap turnpike company," passed January 19th, 1848, and for other purposes.

No. 357. A bill providing for the appointment of a principal state engineer.

No. 358. A bill to incorporate the Union manufacturing company.

No. 359. A bill to appoint an agricultural chemist and mineralogist for the state of Virginia.

No. 361. A bill to extend the corporate limits of the town of Petersburg.

No. 362. A bill prohibiting the brands used by one manufacturer of tobacco from being used by another.

No. 365. A bill to amend the act incorporating the Jacksonville academy.

No. 366. A bill to increase the state subscription to the capital stock of the Hardy and Winchester turnpike company.

No. 367. A bill to M'Adamize the Fishing creek and Ice's ferry turnpike company.

No. 368. A bill directing an increase of the state's subscription to the capital stock of the Giles, Fayette and Kanawha turnpike company.

No. 369. A bill incorporating the Albemarle and Nelson mining and smelting company.

No. 370. A bill providing for the reception of insane persons of the naval service and marine corps of the United States into the Eastern lunatic asylum.

No. 371. A bill releasing the commonwealth's right to a certain house and lot therein mentioned to Martha M. Gayle.

No. 372. A bill concerning committees of estates of lunatics.

No. 373. A bill concerning the commissioners of the revenue.

No. 474. A bill to incorporate the Wellsburg and Bethany turnpike company.

No. 375. A bill to incorporate the Clarksburg and Wheeling turnpike company.

No. 376. A bill to incorporate the Dismal and Walker's creek iron manufacturing company, in the county of Giles.

No. 377. A bill to prevent the emancipation of slaves except in certain cases.

No. 378. A bill to change the place of holding a separate election in the county of Rappahannock.

No. 379. A bill changing the place of holding a separate election in the county of Botetourt.

No. 381. A bill authorizing a separate election at the house of Jesse Hall, in the county of Harrison.

No. 382. A bill to amend the act, entitled "an act concerning conveyances or devises of places of meeting of certain benevolent associations."

No. 383. A bill concerning Elizabeth C. Finney and her children.

No. 384. A bill concerning John Tatsapaugh of the town of Alexandria.

No. 385. A bill to incorporate the Kanawha telegraph company.

No. 386. A bill to protect the property of married women.

No. 387. A bill amending the act, entitled "an act concerning delinquent and forfeited lands and providing for the sale of lands returned delinquent hereafter for the nonpayment of taxes," passed March 10th, 1832.

No. 388. A bill to authorize a portion of the trust fund held by James B. Ferrell, for the benefit of Piety Dunman and her children, to be invested in real estate.

No. 389. A bill for the relief of Richard F. Farrar, a teacher in the county of Albemarle.

No. 390. A bill providing for the election of trustees, for the town

of Hampton, in the county of Elizabeth City, and vesting them with certain corporate powers.

No. 391. A bill to extend the limits of and provide for electing trustees for the town of Marion, in the county of Smyth, and vesting them with certain corporate powers; and

No. 392. A bill to incorporate the Baltimore, Norfolk and Petersburg steamboat company.

On motion of Mr. TOWNES, the house adjourned until to-morrow 10 o'clock.

WEDNESDAY, MARCH 7, 1849.

Prayer by the Rev. LEROY M. LEE of the Methodist church.

Mr. STROTHER, from the committee for courts of justice, presented the following bill:

No. 505. A bill authorizing the payment of a sum of money to Thomas Wright of the town of Fredericksburg.

Mr. COWPER presented sundry documents relative to the claim of John M. Seely against the state, which, together with the papers referred to the committee of claims upon the same subject, were on his motion ordered to be printed. [Doc. No. 77.]

No. 160. A bill to provide for the Southside and Rivanna connections, was taken up on motion of Mr. IRVING of Cumberland, read a second time and ordered to be engrossed and read a third time.

No. 256. An engrossed bill concerning divorces was, on motion of Mr. WATSON, ordered to be laid upon the table.

The following engrossed bills were read a third time and passed, viz:

No. 252. A bill defining the duties of officers conducting election precincts in certain cases.

No. 253. A bill concerning Claudius Crozet.

No. 254. A bill to amend an act, entitled "an act concerning the administration of real assets."

No. 255. A bill to amend the act, entitled "an act changing the tenure of the office of surveyor."

No. 257. A bill releasing to the heirs of Edwin Ricks the commonwealth's right to certain land therein mentioned.

No. 258. A bill to amend the act, entitled "an act incorporating the Manchester bridge company."

No. 260. A bill authorizing an exchange of arms with a troop of cavalry in the county of Appomattox; and

No. 261. A bill concerning Segub H. Parrock.

Ordered, That the clerk communicate said bills to the senate and request their concurrence.

No. 232. A bill establishing and regulating rates of pilotage in certain of the waters of Virginia, was taken up on motion of Mr. SEGAR, and read a second time, and a motion was made by Mr. KILBY to amend the same, and a motion was made by Mr. MAYO to amend the

said amendment; and the same being under consideration, the house passed to the order of the day; and

No. 123. An engrossed bill to incorporate the Covington and Ohio railroad company was taken up and the question being put upon its passage, was determined in the negative. Ayes 58, noes 59.

On motion of Mr. STOVALL, the vote was recorded as follows :

AYES—Messrs. Watson, Layne of Alleghany, M'Cue, Sheffey, Byrd, Burwell, Faulkner, Hudson, Byrne of Braxton, Lewis and Gilmer, De Camps, Moore, Wills, Irvine of Campbell, Irving of Cumberland, Segar, Rector, M'Clung, Howard of Floyd, Stillman, Baily, Carroll, Price, Darracott, Welton, Lancaster, Worthington, Laidley, Ferguson, Arnett, M'Donald, Clendenin, Tanzey, Beirne of Monroe, Barnett, Robinson, Pitts, Pannill, Buswell, Hiner, Cackley, Fairfax, Goff, Mayo, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, George, Boyers, Goodson, Collins and Boyd—58.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Boisseau, Cheatham, Mitchell, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moncure of Caroline, Cardwell, Jones, Barbour, Vaughan, Clarke, Scott, Claiborne, Edwards, Wood, Sydnor, Clopton, Guerrant, Stovall, Major, Allen, Hiatt, Boykin, Howard of James City, York and Williamsburg, Thomson of Jefferson, Wallace, Houser, Tomlin, Webb, Lane of Lee, Harrison of Loudoun, Beard, Harris, Newman, Coleman, Whittle, Kilby, Butt, Cowper, Yerby, Turner, Syme, Townes, Grasty, Herbert, Wootton, Rives, Harrison of Prince William, Conway, Moncure of Stafford, Hargrave, Nicholson, Burdett, Massey and Harvey—59.

Resolved, That said bill be rejected.

The resolution for suspending the construction of the Southwestern road, which was submitted by Mr. YERBY on the 5th instant, was taken up, and on motion of Mr. LACY, ordered to be laid upon the table.

No. 232. The bill establishing and regulating rates of pilotage in certain of the waters of Virginia, with the pending amendments, was again taken up, and the said amendment submitted by Mr. MAYO having been agreed to, on motion of Mr. SEGAR the bill was ordered to be laid upon the table.

No. 245. On motion of Mr. HIETT, the rule of the house was suspended, and the vote rejecting the engrossed bill to provide for the construction of the Tazewell courthouse and Fancy gap turnpike road was reconsidered, and the question being again put upon the passage of the bill, was determined in the negative. Ayes 51, noes 56.

On motion of Mr. CLAIBORNE, the vote was recorded as follows :

AYES—Messrs. Layne of Alleghany, M'Cue, Sheffey, Mitchell, Burwell, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, Kyle, Wills, Segar, Rector, Howard of Floyd, Baily, Carroll, Price, Welton, Lancaster, Thomson of Jefferson, Laidley, Ferguson, Beard, Arnett, Clendenin, Tanzey, Beirne of Monroe, Barnett, Robinson, Pitts, Hiner, Syme, Cackley, Fairfax, Goff, Mayo, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, George, Boyers, Massey, Goodson, Collins and Boyd—51.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Watson, Boisseau, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Vaughan, Clarke, Thomas, Scott, Stillman, Claiborne, Edwards, Wood, Sydnor, Clopton, Guerrant, Stovall, Major, Hiatt,

Darracott, Boykin, Howard of James City, York and Williamsburg, Wallace, Houser, Tomlin, Webb, Harris, Newman, M'Donald, Coleman, Kilby, Butt, Cowper, Yerby, Basye, Pannill, Buswell, Turner, Townes, Grasty, Herbert, Wootton, Rives, Harrison of Prince William, Hargrave, Nicholson, Burdett and Harvey—56.

Resolved, That said bill be rejected.

No. 272. A bill to incorporate the Holliday's Cove railroad company, was taken up on motion of Mr. PRITS, and ordered to be engrossed and read a third time.

The SPEAKER laid before the house a communication from the Board of public works, in answer to the resolution of the house of delegates of the 6th instant, shewing how far the Southwestern Macadamized road has been put under contract, and to what extent the contracts have been completed, which, on motion of Mr. CLAIBORNE, was laid upon the table and ordered to be printed. [Doc. No. 78.]

Mr. FAULKNER, from the committee on the public library, presented a letter from the superintendent of the Virginia military institute to the adjutant general, giving details of a plan for a trigonometrical survey of the state, which on his motion was laid upon the table and ordered to be printed. [Doc. No. 79.]

Mr. FAULKNER also presented a letter from Alexandre Vattermare, presenting to the state of Virginia the geological map of France.

No. 232. The bill establishing and regulating rates of pilotage in certain of the waters of Virginia was again taken up on motion of Mr. SEGAR, and the amendment of Mr. KILBY, as amended by Mr. MAYO, was read as follows:

"That all acts and parts of acts establishing pilots, and regulating pilotage on James river and the waters thereof be, and the same are hereby repealed."

And the question being put thereupon, was determined in the negative. Ayes 42, noes 55.

On motion of Mr. LAYNE of Alleghany, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Boisseau, Cheatham, Mitchell, Faulkner, De Camps, Kyle, Moncure of Caroline, Cardwell, Jones, Barbour, Vaughan, Thomas, Scott, Stillman, Edwards, Sydnor, Guerrant, Carroll, Darracott, Lancaster, Worthington, Thomson of Jefferson, Wallace, Harris, Newman, Arnett, M'Donald, Pannill, Turner, Syme, Townes, Grasty, Rives, Harrison of Prince William, Mayo, Dorman, Paxton, Hargrave, Nicholson, Massey and Collins—42.

NOES—Messrs. Finney, Nock, Watson, Layne of Alleghany, M'Cue, Sheffey, Byrd, Burwell, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, Maclin of Brunswick, Harrison of Brunswick, Wills, Irvine of Campbell, Irving of Cumberland, Segar, Clarke, Claiborne, Baily, Clopton, Price, Stovall, Major, Allen, Hiatt, Weltón, Howard of James City, York and Williamsburg, Houser, Tomlin, Webb, Lane of Lee, Tanzey, Barnett, Robinson, Butt, Cowper, Yerby, Basye, Buswell, Uiner, Fairfax, Herbert, Wootton, Goff, Strother, Martz, Harper, Fugate, Pitman, Thompson of Smyth, George, Goodson, Harvey and Boyd—55.

On motion of Mr. Goodson, the house adjourned until to-morrow 10 o'clock.

THURSDAY, MARCH 8, 1849.

Prayer by the Rev. PHILIP COURTNEY of the Methodist church.
A communication from the senate by their clerk was read as follows:

IN SENATE, MARCH 5, 1849.

The senate have passed the bill, entitled
"An act incorporating the Blue Ridge railroad company, and for other purposes." (No. 124.)

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bill:

No. 506. A bill for the relief of Thomas Farr and Joshua Eddy.

Mr. PRICE, according to order, presented the following bill:

No. 507. A bill to modify the laws relating to the appointment of state directors in joint stock companies, which, on his motion, was read the first and second times, and ordered to be engrossed and read a third time.

On motion of Mr. FAULKNER,

Resolved, That the joint committee on the revision of the Civil Code be instructed to enquire into the expediency of authorizing payments, under proper restrictions, by executors and administrators in this state to executors and administrators beyond the limits of this state.

On motion of Mr. LAYNE of Alleghany,

Resolved, That the committee on roads and internal navigation be instructed to enquire into the propriety of amending the act passed March 12th, 1848, in relation to the Dunkard creek turnpike.

On motion of Mr. LAIDLEY,

Ordered, That leave be given to bring in a bill to incorporate a company to construct a railroad from the town of Charleston in the county of Kanawha, or from the head of steamboat navigation on Kanawha river, to some point on the Ohio above the mouth of Big Sandy, and that Messrs. Laidley, Ferguson, Price, Wood, M'Cue and Harper prepare and bring in the same.

Mr. WOOD presented a petition of citizens of Frederick county, concerning the removal from the state of the free people of colour, which was ordered to be laid upon the table.

Mr. WILLS presented a petition of citizens of Lynchburg asking authority to locate their poorhouse without the limits of the corporation, and for that purpose to purchase the necessary lands, which was ordered to be referred to the committee of propositions and grievances.

Mr. MOORE submitted the following resolution:

Resolved, That the SPEAKER be directed to vacate the chair to-day, and upon every other day during the remainder of this session, at half past two o'clock, P. M., and to resume the same at four o'clock, P. M.

On motion of Mr. MAJOR,

Ordered, That the resolution be laid upon the table.

No. 282. A bill concerning weights and measures was read a second time, amended on motions severally made, and as amended ordered to be engrossed and read a third time.

The following bills were read a second time, and ordered to be engrossed and read a third time, viz :

No. 275. A bill concerning partly proved deeds.

No. 276. A bill authorizing the division and distribution of the real and personal estate of Thomas Robinson in Orange county.

No. 277. A bill for the relief of Forrest Griffith.

No. 278. A bill amending the act, entitled "an act concerning district free schools in the county of Jefferson," passed March 27th, 1848.

No. 279. A bill establishing free schools in the county of Albemarle.

No. 280. A bill to incorporate the stockholders of the Female collegiate institute in the county of Buckingham; and

No. 281. A bill concerning the executors of Josiah Tidball deceased, late sheriff of the county of Fauquier.

No. 232. A bill establishing and regulating rates of pilotage in certain of the waters of Virginia, which was under consideration when the house adjourned on yesterday, was taken up; thereupon, Mr. MAYO submitted the following amendment as a proviso to the fifth section :

"*Provided*, That when any such coasting vessel coming from sea is spoken by a pilot, the master thereof may elect whether to take such pilot and pay him the rates of pilotage in this section mentioned, or to pay the said pilot the sum of seven dollars and fifty cents, and then discharge him from attending the vessel: *And provided also*, That no master of a coasting vessel going to sea from any port or place on James river or the waters thereof, shall be compelled to take a pilot to conduct his vessel to sea."

And the question being put thereupon, was determined in the negative. Ayes 40, noes 49.

On motion of Mr. SEGAR, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Boisseau, Cheatham, Kyle, Irvine of Campbell, Moncure of Caroline, Cardwell, Jones, Irving of Cumberland, Vaughan, Scott, Rector, Stillman, Edwards, Sydnor, Guerrant, Carroll, Major, Darracott, Lancaster, Worthington, Thomson of Jefferson, Webb, Lane of Lee; White, Harris, Newman, Arnett, M'Donald, Coleman, Tanzey, Turner, Syme, Townes, Grasty, Rives, Harrison of Prince William, Mayo, Boyers and Massey—40.

NOES—Messrs. Nock, Layne of Alleghany, Byrd, Burwell, Faulkner, Boak, Maclin of Brunswick, Harrison of Brunswick, Wills, Barbour, Segar, M'Clung, Howard of Floyd, Stovall, Allen, Hiatt, Welton, Boykin, Howard of James City, York and Williamsburg, Tomlin, Clendenin, Barnett, Gustin, Robinson, Butt, Cowper, Yerby, Pitts, Buswell, Hiner, Cackley, Fairfax, Herbert, Wootton, Strother, Dorman, Martz, Harper, Fugate, Pitman, Sibert, Thompson of Smyth, Nicholson, Burdett, George, Goodson, Harvey, Collins and Boyd—49.

A motion was made by Mr. BARBOUR, to suspend the rule for the purpose of reconsidering the vote by which the amendment submitted by Mr. MAYO was agreed to on yesterday.

A motion was made by Mr. MAYO, that the bill be indefinitely postponed; and the question being put thereupon, was determined in the negative. Ayes 43, noes 62.

On motion of Mr. ROBINSON, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Hart, Watson, Boisseau, Cheatham,

Faulkner, De Camps, Harrison of Brunswick, Kyle, Irvine of Campbell, Moncure of Caroline, Cardwell, Jones, Vaughan, Scott, Rector, Stillman, Edwards, Sydnor, Guerrant, Carroll, Major, Darracott, Lancaster, Worthington, Thomson of Jefferson, Wallace, Lane of Lee, White, Harris, Newman, Arnett, Coleman, Turner, Syme, Townes, Grasty, Rives, Harrison of Prince William, Mayo, Hargrave, Boyers and Massey—43.

NOES—Messrs. Nock, Layne of Alleghany, M'Cue, Sheffey, Burwell, Boak, Hudson, Byrue of Braxton, Lewis and Gilmer, Maclin of Brunswick, Moore, Wills, Barbour, Irving of Cumberland, Segar, Clarke, M'Clung, Howard of Floyd, Wood, Baily, Clopton, Price, Stovall, Allen, Hielt, Welton, Boykin, Howard of James City, York and Williamsburg, Tomlin, Webb, Ferguson, M'Donald, Clendenin, Beirne of Monroe, Barnett, Gustin, Kilby, Robinson, Butt, Cowper, Yerby, Pitts, Buswell, Hiner, Cackley, Fairfax, Herbert, Wootton, Goff, Strother, Dorman, Martz, Harper, Fugate, Pitman, Sibert, Thompson of Smyth, Nicholson, Burdett, George, Goodson, Harvey and Boyd—62.

A motion was then made by Mr. RIVES that the bill be committed, and it was determined in the affirmative.

No. 249. An engrossed bill, authorizing a subscription on behalf of the commonwealth to the capital stock of the Richmond and Pamunkey railroad, was read the third time, and the question being put upon its passage was determined in the negative. Ayes 35, noes 75.

On motion of Mr. HIETT, the vote thereupon was recorded as follows:

AYES—Messrs. Layne of Alleghany, Boisseau, M'Cue, Sheffey, Byrd, Faulkner, Lacy, Thomas, Scott, Rector, M'Clung, Stillman, Price, Welton, Howard of James City, York and Williamsburg, Worthington, Laidley, Ferguson, Beard, Arnett, Clendenin, Tanzey, Beirne of Monroe, Pitts, Cackley, Fairfax, Strother, Paxton, Fugate, Pitman, Sibert, Thompson of Smyth, Goodson, Collins and Boyd—35.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Watson, Cheatham, Mitchell, Hudson, De Camps, Maclin of Brunswick, Harrison of Brunswick, Kyle, Wills, Irvine of Campbell, Moncure of Caroline, Cardwell, Jones, Barbour, Irving of Cumberland, Vaughan, Segar, Clarke, Howard of Floyd, Claiborne, Edwards, Wood, Sydnor, Baily, Guerrant, Carroll, Stovall, Major, Allen, Hielt, Darracott, Lancaster, Boykin, Thomson of Jefferson, Wallace, Tomlin, Webb, Lane of Lee, White, Newman, M'Donald, Coleman, Barnett, Gustin, Kilby, Robinson, Butt, Cowper, Yerby, Pannill, Buswell, Turner, Hiner, Syme, Townes, Grasty, Herbert, Wootton, Rives, Harrison of Prince William, Mayo, Cook, Dorman, Martz, Harper, Aston, Hargrave, Nicholson, Burdett, George, Boyers and Harvey—75.

Resolved, That said bill be rejected.

The SPEAKER laid before the house a communication from the governor, transmitting certain resolutions from the state of Wisconsin, which was read as follows:

EXECUTIVE DEPARTMENT, 8th March 1849.

To the Speaker of the House of Delegates.

SIR,—I herewith transmit to you, to be laid before the house, certain resolutions from the state of Wisconsin, touching the subject of slavery in the territories.

Very respectfully, your obed't servant,

JOHN B. FLOYD.

STATE OF WISCONSIN, EXECUTIVE DEPARTMENT,
Madison, February 19th, 1849.

TO JOHN B. FLOYD,
Governor of the State of Virginia.

SIR,—Herewith enclosed, I have the honour to transmit to you copy of resolutions "relating to slavery and the slave trade," together with copy of a resolution directing their transmission to the governor of Virginia.

With respect, your obedient servant,

NELSON DEWEY.

Resolutions relative to Slavery and the Slave Trade.

Resolved by the senate and assembly of the state of Wisconsin, That our senators in congress be, and they are hereby instructed, and our representatives requested :

First, to oppose the passage of any act for the government of New Mexico and California, or any other territory now belonging to the United States, or which may hereafter be acquired, unless it shall contain a provision forever prohibiting the introduction of slavery or involuntary servitude into said territories, except as a punishment for crimes.

Second, to oppose the admission of any more slave states into the federal Union.

Third, to exert their influence to procure the repeal of all laws sustaining slavery and the slave trade in the District of Columbia, or in any other place under the control of the national government, and to secure the passage of laws prohibiting slavery and the slave trade in all places under the exclusive jurisdiction of the federal government.

Resolved, That his excellency the governor is hereby requested immediately to forward a copy of the foregoing resolutions to each of our senators and representatives in congress, to be by them laid before congress.

(Signed,)

HARRISON C. HOBURT,
Speaker of the Assembly.

JOHN E. HOLMES,
Lt. Gov. and Pres. of the Senate.

Adopted February 8th, 1849, by the legislature.

NELSON DEWEY.

"Resolved by the senate and assembly, That the governor of this state be requested to transmit to the governor of Virginia, to be laid before the legislature of that state, the resolutions passed by the legislature of the state of Wisconsin at its present session, relating to the subject of slavery."

Adopted February 16th, 1849.

On motion of Mr. SCOTT,

Ordered, That the communication be laid upon the table.

On motion of Mr. DORMAN,

Resolved, That on and after to-day no member shall occupy the floor for a longer time than fifteen minutes on any one question.

A motion was made by Mr. PANNILL, that the house adopt the following resolution :

Resolved by the general assembly of Virginia, That the governor of this commonwealth be instructed to return to the governor of Wisconsin the resolutions from that state concerning slavery in the territories.

And the question being put thereupon, was determined in the negative. Ayes 36, noes 70.

On motion of Mr. MONCURE of Caroline, the vote was recorded as follows :

AYES—Messrs. Finney, Nock, Byrd, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Vaughan, Clarke, Claiborne, Edwards, Guerrant, Carroll, Stovall, Major, Boykin, Harris, Newman, Arnett, Tanzey, Gustin, Basye, Pannill, Hiner, Herbert, Wootton, Rives, Harrison of Prince William, Paxton, Pitman, Sibert, Hargrave, Nicholson, Masey and Goodson—36.

NOES—Messrs. Hopkins, (speaker,) Watson, Layne of Alleghany, Boisseau, Cheatham, M'Cue, Sheffey, Mitchell, Faulkner, Hudson, Byrne of Braxton, Lewis and Gilmer, De Camps, Kyle, Moore, Wills, Irvine of Campbell, Lacy, Cardwell, Irving of Cumberland, Segar, Thomas, Scott, Rector, Howard of Floyd, Stillman, Wood, Sydnor, Bailly, Clopton, Price, Allen, Hiatt, Darracott, Welton, Lancaster, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Tomlin, Webb, Ferguson, White, Beard, M'Donald, Clendenin, Beirne of Monroe, Kilby, Butt, Cowper, Yerby, Pitts, Buswell, Turner, Townes, Grasty, Cackley, Fairfax, Goff, Mayo, Cook, Dorman, Martz, Harper, Aston, Thompson of Smyth, Burdett, Boyers, Harvey and Collins—70.

A motion was made by Mr. BURDETT, that the rule of the house be suspended for the purpose of reconsidering the vote rejecting the engrossed bill to incorporate the Covington and Ohio railroad ; and the question put thereupon, was determined in the negative. Ayes 54, noes 64.

On motion of Mr. MAJOR, the vote was recorded as follows :

AYES—Messrs. Watson, Layne of Alleghany, M'Cue, Sheffey, Byrd, Burwell, Hudson, Byrne of Braxton, Lewis and Gilmer, Moore, Wills, Irvine of Campbell, Irving of Cumberland, Segar, Scott, Rector, M'Clung, Howard of Floyd, Stillman, Bailly, Carroll, Price, Darracott, Lancaster, Worthington, Laidley, Ferguson, Arnett, M'Donald, Clendenin, Tanzey, Beirne of Monroe, Barnett, Pitts, Pannill, Hiner, Cackley, Fairfax, Goff, Strother, Mayo, Cook, Dorman, Paxton, Martz, Harper, Pitman, Sibert, Thompson of Smyth, Burdett, George, Boyers, Goodson, Collins and Boyd—54.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Boisseau, Cheatham, Mitchell, Faulkner, Boak, De Camps, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Vaughan, Clarke, Thomas, Claiborne, Edwards, Wood, Sydnor, Clopton, Guerrant, Stovall, Major, Allen, Hiatt, Boykin, Howard of James City, York and Williamsburg, Thomson of Jefferson, Wallace, Houser, Tomlin, Webb,

Lane of Lee, Harrison of Loudoun, Beard, Harris, Newman, Coleman, Whittle, Gustin, Kilby, Butt, Cowper, Yerby, Booth, Turner, Syme, Townes, Grasty, Herbert, Wootton, Rives, Harrison of Prince William, Fugate, Conway, Moncure of Stafford, Hargrave, Nicholson and Harvey—64.

On motion of Mr. YERBY, the resolution submitted by him on the 5th instant was taken up; and having been for some time under consideration, a motion was made by Mr. PAXTON that the same be laid upon the table, and the question being put thereupon, was determined in the negative. Ayes 38, noes 75.

On motion of Mr. YERBY, the vote was recorded as follows :

AYES—Messrs. Layne of Alleghany, Sheffey, Burwell, Hudson, Byrne of Braxton, Lewis and Gilmer, Kyle, Irvine of Campbell, Irving of Cumberland, Segar, Howard of Floyd, Carroll, Price, Lancaster, Worthington, Lane of Lee, Ferguson, Arnett, Clendenin, Tanzey, Beirne of Monroe, Barnett, Hiner, Townes, Cackley, Goff, Strother, Mayo, Cook, Dorman, Paxton, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, George, Goodson and Boyd—38.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Hart, Watson, Boisseau, Cheatham, M'Cue, Mitchell, Faulkner, Boak, De Camps, Maclin of Brunswick, Harrison of Brunswick, Wills, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Vaughan, Clarke, Thomas, Stillman, Claiborne, Edwards, Wood, Synnor, Clopton, Guerrant, Major, Allen, Hiatt, Darracott, Welton, Mullins, Boykin, Howard of James City, York and Williamsburg, Thomson of Jefferson, Wallace, Houser, Tomlin, White, Harrison of Loudoun, Beard, Harris, Edmondson, Newman, M'Donald, Coleman, Whittle, Gustin, Kilby, Butt, Cowper, Yerby, Pitts, Turner, Syme, Grasty, Herbert, Wootton, Rives, Harrison of Prince William, Martz, Harper, Conway, Moncure of Stafford, Hargrave, Nicholson, Burdett, Boyers, Massey, Harvey and Collins—75.

The said resolution is the following :

Resolved by the general assembly of Virginia, That the Board of public works be and they are hereby required to suspend the execution of any new contracts to complete the Southwestern turnpike road, on state account, until the fate of the bill now pending before the senate of this state, for the construction of the Virginia and Tennessee railroad, is finally acted upon and determined; and in the event of the passage of said bill, the authority heretofore conferred upon the said board to construct said turnpike road, (except so far as they have actually entered into contracts for the same,) be and the same is hereby suspended.

A motion was made by Mr. YERBY to amend the same, by substituting after the words "*Resolved by the general assembly of Virginia*," the following :

"That the Board of public works be and they are hereby required to suspend the construction of the Southwestern turnpike road west of Wytheville; and the said board are further authorized to ascertain the compensation, if any, they may deem proper and reasonable to be allowed to the contractor or contractors for any loss or damage which they may sustain, resulting from the suspension of said contracts, if any such contracts have in fact been made, and report the amount to the general assembly."

And the question being put upon adopting the substitute, was determined in the affirmative. Ayes 99, noes 18.

On motion of Mr. YERBY, the vote was recorded as follows:

AYES—Messrs. Finney, Nock, Hart, Watson, Layne of Alleghany, Boisseau, Cheatham, M'Cue, Sheffey, Mitchell, Burwell, Faulkner, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Vaughan, Clarke, Thomas, Scott, Howard of Floyd, Stillman, Edwards, Wood, Sydnor, Clopton, Guerrant, Price, Stovall, Major, Allen, Hiett, Darracott, Welton, Lancaster, Boykin, Howard of James City, York and Williamsburg, Thomson of Jefferson, Laidley, Wallace, Houser, Tomlin, Webb, Ferguson, White, Harrison of Loudoun, Beard, Harris, Edmondson, Newman, Arnett, M'Donald, Coleman, Whittle, Tanzey, Beirne of Monroe, Barnett, Gustin, Kilby, Butt, Cowper, Yerby, Pitts, Buswell, Turner, Syme, Townes, Grasty, Herbert, Wootton, Rives, Harrison of Prince William, Goff, Strother, Mayo, Cook, Dorman, Paxton, Martz, Harper, Aston, Pitman, Conway, Moncure of Stafford, Hargrave, Nicholson, Burdett, Boyers, Massey, Harvey and Collins—99.

NOES—Messrs. Hopkins, (speaker,) Byrd, Kyle, Moore, Segar, Claiborne, Baily, Carroll, Worthington, Lane of Lee, Hiner, Cackley, Fugate, Sibert, Thompson of Smyth, George, Goodson and Boyd—18.

And the question being put upon adopting the resolution as amended, was determined in the negative. **Ayes** 53, **noes** 58.

On motion of Mr. DORMAN, the vote was recorded as follows:

AYES—Messrs. Finney, Nock, Hart, Boisseau, Cheatham, Mitchell, De Camps, Maclin of Brunswick, Wills, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Vaughan, Clarke, Claiborne, Edwards, Wood, Clopton, Stovall, Major, Boykin, Howard of James City, York and Williamsburg, Wallace, Houser, Tomlin, Webb, Harrison of Loudoun, Beard, Harris, Edmondson, Newman, M'Donald, Coleman, Whittle, Barnett, Gustin, Butt, Yerby, Buswell, Turner, Townes, Grasty, Herbert, Wootton, Rives, Harrison of Prince William, Conway, Hargrave, Nicholson, Massey and Harvey—53.

NOES—Messrs. Hopkins, (speaker,) Watson, Layne of Alleghany, M'Cue, Sheffey, Byrd, Burwell, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, Kyle, Irvine of Campbell, Irving of Cumberland, Segar, Scott, Howard of Floyd, Stillman, Sydnor, Baily, Guerrant, Carroll, Allen, Hiett, Darracott, Welton, Lancaster, Worthington, Thomson of Jefferson, Laidley, Lane of Lee, Ferguson, White, Arnett, Tanzey, Beirne of Monroe, Kilby, Robinson, Cowper, Hiner, Syme, Cackley, Goff, Strother, Mayo, Cook, Dorman, Paxton, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Burdett, George, Boyers, Goodson, Collins and Boyd—58.

Mr. STOVALL submitted the following resolution, which, on motion of Mr. PAXTON, was laid upon the table, and made the order of the day for to-morrow:

*Resolved by the general assembly, That in all subscriptions authorized by law to be made by the Board of public works to any railroad or other internal improvement companies, which have or may hereafter be made to any such companies by the said board, they shall, when called on to pay the state's *pro rata* proportion of such subscription, in no case, nor under any circumstances, pay to any such company the bonds of the state, but shall in all cases cash the bonds at their par value, and pay the requisitions of said companies as they may be called for, in cash.*

A motion was made by Mr. FERGUSON, that the house adopt the following resolution :

Resolved, That this house will, from and after to-day, hold an evening session, commencing at half past 4 o'clock, P. M., for the remainder of the present session of the general assembly.

On motion of Mr. SYME,

Ordered, That the resolution be laid upon the table.

On motion of Mr. PITTS, the house adjourned until to-morrow 10 o'clock.

FRIDAY, MARCH 9, 1849.

Prayer by the Rev. H. B. COWLES of the Methodist church.

A communication was received from the senate by their clerk, which was read as follows :

IN SENATE, MARCH 6, 1849.

The senate have passed the bills, entitled

"An act authorizing a subscription for the commonwealth to the stock of the Virginia and Tennessee railroad company," (No. 122;) and

"An act to amend the act incorporating the Orange and Alexandria railroad company," passed March 27th, 1848. (No. 217.)

Mr. JONES, from the committee of propositions and grievances, presented the following bill :

No. 508. A bill repealing the act, entitled "an act to amend the act, entitled 'an act concerning the formation of new counties.'"

Mr. LAYNE of Alleghany, from the committee of roads and internal navigation, presented the following bills :

No. 509. A bill to dispense with any slope in the dam of Franklin Davis, across Buffaloe creek in the county of Marion.

No. 510. A bill for extending the Beverly and Fairmont road to Blacksville in Monongalia; and

No. 511. A bill to amend the act concerning the Dunkard creek turnpike company, passed March 12th, 1848.

Mr. HERBERT, from the committee on agriculture and manufactures, presented the following bills :

No. 512. A bill to amend the act, entitled "an act providing more effectually for the protection of sheep in the county of Loudoun;" and

No. 513. A bill regulating the weight of certain grain and seeds.

On motion of Mr. LAYNE of Alleghany,

Ordered, That the committee of roads and internal navigation be discharged from the consideration of resolutions for the incorporation of a turnpike company to construct a road from Luray, in Page, to the Valley turnpike in Frederick; for separating the offices of superintendent of the Literary fund and second auditor; for purchasing the stock of individuals in the Richmond and Potomac, the Richmond and Petersburg, and the Petersburg and Roanoke railroads; from the report upon the petition of the Wheeling and Belmont bridge company; and

from the petitions of Daniel Zane; of the Chesterfield railroad company; of citizens of Mason county, for an appropriation to repair roads and bridges; from the memorial of James Wood and other citizens of Wood county; and of citizens of the county of Amherst; and the said resolutions, petitions and memorials were ordered to be laid upon the table.

Mr. HARPER presented a memorial of citizens of the town of Harrisonburg, remonstrating against any change in the charter of said town, which was ordered to be referred to the committee of propositions and grievances.

Mr. HUDSON presented a petition of J. Hannah, jr., praying the passage of an act to change the name of Eliza M. Sullivan to Eliza M. Hannah, which was ordered to be referred to the committee for courts of justice.

Mr. MAYO presented a memorial of citizens of the City of Richmond, remonstrating against the incorporation of a steam navigation company from Richmond to New York, which was ordered to be laid upon the table.

No. 494. A bill changing the time of holding the spring term of Chesterfield circuit court, was taken up on motion of Mr. JONES, read the first and second times, and ordered to be engrossed and read a third time.

On motion of Mr. PITTS,

Ordered, That leave be given to withdraw the petition of James H. Robinson, presented at the present session.

Mr. CONWAY, from the committee on Banks, presented the following bill:

No. 514. A bill to authorize the Bank of Virginia to establish a branch of said bank at Ripley or Ravenswood in the county of Jackson.

On motion of Mr. CONWAY,

Ordered, That the committee on banks be discharged from the consideration of so much of the governor's message as relates to the subject of banks; and from the petition of citizens of Wheeling, asking that the banks may be protected against brokers, and that the same be laid upon the table.

Mr. CONWAY announced that the said committee had no further occasion for a clerk, and that officer was ordered to be discharged from further attendance on said committee.

Mr. SCOTT, from the committee for courts of justice, presented the following bill:

No. 515. A bill to authorize the county courts to appoint a time for taking the sense of the voters of any county upon the question of a county subscription for the stock of a railroad or turnpike company.

On motion of Mr. HART,

Ordered, That leave of absence from the service of this house for the remainder of the session be granted to Mr. Barnett.

Mr. FANNEY presented a communication from the navy department of the United States, respecting the conduct of Lieut. William H. Mayo, at the bombardment of Vera Cruz, which was ordered to be referred to the committee on swords.

No. 431. An engrossed bill changing the time of holding the circuit superior courts of Appomattox, Charlotte and Halifax, was taken up on motion of Mr. CHEATHAM, and the farther consideration thereof was indefinitely postponed on motion of Mr. MAJOR.

Resolved, That said bill be rejected.

No. 143. An engrossed bill to amend the act, entitled "an act to amend an act, entitled 'an act to amend and explain the laws concerning western land titles, and for other purposes,'" was taken up on motion of Mr. FERGUSON, and the question being put upon its passage was determined in the negative.

Resolved, That said bill be rejected.

A motion was made by Mr. WATSON, that the house adopt the following resolution:

Resolved by the general assembly, That the Board of public works be and are hereby instructed to suspend the construction of the South-western M'Adamized turnpike, west of Wytheville, and also to enquire and report to the extra session of the general assembly, which is to be held in May next, what loss or damage any person or persons may have incurred, in consequence of having made preparations for the construction of said road upon the faith of the expectation, induced by the action of the board, that they would obtain the contract for constructing the same; and the general assembly hereby pledges the faith of the state to make full compensation for all such losses.

A motion was made by Mr. FERGUSON that the farther consideration of said resolution be indefinitely postponed, and it was determined in the negative. Ayes 53, noes 58.

On motion of Mr. RIVES, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Layne of Alleghany, M'Cue, Sheffey, Byrd, Hudson, Byrne of Braxton, Lewis and Gilmer, Kyle, Wills, Irving of Cumberland, Scott, Rector, Howard of Floyd, Stillman, Claiborne, Baily, Guerrant, Carroll, Allen, Hiatt, Welton, Lancaster, Worthington, Thomson of Jefferson, Laidley, Lane of Lee, Ferguson, Tanzey, Beirne of Monroe, Robinson, Cowper, Hiner, Syme, Cackley, Fairfax, Goff, Strother, Mayo, Cook, Dorman, Paxton, Martz, Harper, Fugate, Pitman, Sibert, Thompson of Smyth, Burdett, George, Boyers, Goodson, Collins and Boyd—53.

NOES—Messrs. Finney, Nock, Hart, Watson, Boisseau, Cheatham, Mitchell, Boak, De Camps, Maclin of Brunswick, Moore, Moncure of Caroline, Lacy, Jones, Vaughan, Clarke, Thomas, Edwards, Wood, Sydnor, Clopton, Maclin of Greenvsille, Stovall, Major, Darracott, Mullins, Boykin, Howard of James City, York and Williamsburg, Wallace, Houser, Tomlin, Webb, White, Harrison of Loudoun, Beard, Harris, Edmondson, Newman, Clendenin, Coleman, Whittle, Gustin, Butt, Yerby, Buswell, Turner, Townes, Grasty, Herbert, Wootton, Rives, Harrison of Prince William, Aston, Conway, Moncure of Stafford, Hargrave, Nicholson and Harvey—58.

A motion was then made by Mr. SHEFFEY to amend the same by adding thereto the following:

Provided, That nothing herein contained shall be construed to interfere with any contract legally or equitably binding on the commonwealth.

And the question being put thereupon, was determined in the affirmative.

The question being put upon the resolution as amended, was determined in the affirmative. Ayes 71, noes 28.

On motion of Mr. MAJOR, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Nock, Watson, Boissen, M'Cue, Sheffey, Mitchell, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Kyle, Moncure of Caroline, Jones, Barbour, Vaughan, Thomas, Stillman, Edwards, Wood, Sydnor, Guerrant, Price, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Darracott, Welton, Mullins, Boykin, Howard of James City, York and Williamsburg, Thomson of Jefferson, Wallace, Houser, Tomlin, Webb, White, Harrison of Loudoun, Beard, Harris, Edmondson, Newman, Clendenin, Coleman, Gustin, Butt, Yerby, Buswell, Turner, Syme, Grasty, Cackley, Fairfax, Herbert, Wootton, Rives, Harrison of Prince William, Mayo, Martz, Harper, Aston, Pitman, Sibert, Conway, Hargrave, Nicholson, Harvey and Collins—71.

NOES—Messrs. Layne of Alleghany, Hudson, Moore, Wills, Lacy, Scott, Howard of Floyd, Claiborne, Baily, Carroll, Lancaster, Worthington, Lane of Lee, Ferguson, Tanzey, Beirne of Monroe, Cowper, Hiner, Goff, Strother, Cook, Dorman, Paxton, Fugate, Thompson of Smyth, George, Goodson and Boyd—28.

Ordered, That Mr. WATSON carry the same to the senate and request their concurrence.

Mr. DORMAN presented a letter from Walter Bowen, relative to the pardon of John J. Johnston, and his testimony on the trial of said Johnston, which was ordered to be printed. [Doc. No. 80.]

No. 274. A bill abolishing imprisonment for debt, and for other purposes, was taken up as the order of the day, and on motion of Mr. STROTHER, ordered to be referred to the joint committee on revision.

The resolution submitted by Mr. STOVALL on yesterday, was taken up and agreed to as follows:

Resolved by the general assembly, That in all subscriptions authorized by law to be made by the Board of public works to any railroad, or other internal improvement companies, which have or may hereafter be made to any such companies by the said board, they shall, when called on to pay the state's *pro rata* proportion of such subscription, in no case nor under any circumstances pay to any such company the bonds of the state, but shall in all cases cash the bonds at their par value, and pay the requisitions of said companies as they may be called for, in cash.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

The SPEAKER laid before the house a communication from the governor, relative to a refusal on the part of the governor of the state of Ohio to comply with a demand made by the governor of Virginia for a fugitive from justice, which was read and ordered to be laid upon the table and be printed. [Doc. No. 81.]

Mr. SHEFFEY presented resolutions passed by the citizens of the county of Northumberland, in regard to the Wilmot proviso and other kindred measures, which were ordered to be laid upon the table.

No. 272. An engrossed bill to incorporate the Holiday's Cove railroad company, was on motion of Mr. SHEFFEY ordered to be laid upon the table.

No. 286. A bill authorizing two separate elections in the county of Mathews, was read a second time, amended on motions of Mr. WHITTLE and Mr. HINER, and as amended, ordered to be engrossed and read a third time.

No. 160. An engrossed bill to provide for the Southside and Rivanna connections, was read a third time, and the question being put upon its passage, was determined in the affirmative. Ayes 53, noes 52.

On motion of Mr. RIVES, the vote was recorded as follows:

AYES—Messrs. Hart, Watson, Layne of Alleghany, Cheatham, M'Cue, Sheffey, Byrd, Mitchell, Burwell, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, Kyle, Moore, Wills, Irvine of Campbell, Cardwell, Barbour, Irving of Cumberland, Scott, Rector, M'Clung, Howard of Floyd, Stillman, Baily, Guerrant, Carroll, Price, Allen, Lancaster, Worthington, Thomson of Jefferson, Laidley, Ferguson, White, Harrison of Loudoun, Clendenin, Tanzey, Beirne of Monroe, Robinson, Syme, Townes, Goff, Strother, Mayo, Cook, Paxton, Aston, Pitman, Sibert, Thompson of Smyth, Burdett and Boyd—53.

NOES—Messrs. Finney, Nock, Boisseau, Maclin of Brunswick, Moncure of Caroline, Lacy, Jones, Vaughan, Clarke, Thomas, Edwards, Wood, Sydnor, Clopton, Maclin of Greenville, Stovall, Major, Hiatt, Mullins, Boykin, Howard of James City, York and Williamsburg, Wallace, Houser, Tomlin, Webb, Lane of Lee, Beard, Harris, Edmondson, Newman, Coleman, Whittle, Gustin, Kilby, Butt, Cowper, Yerby, Basye, Buswell, Turner, Grasty, Fairfax, Herbert, Rives, Harrison of Prince William, Martz, Harper, Conway, Hargrave, Nicholson, Boyers and Harvey—52.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

No. 277. A bill for the relief of Forrest Griffith, was read a third time, and a clause by way of ryder thereto was submitted by Mr. THOMAS, which was twice read and forthwith engrossed and read a third time, and the question being put upon the passage of the bill and ryder, was determined in the affirmative. Ayes 49, noes 43.

On motion of Mr. DORMAN, the vote was recorded as follows:

AYES—Messrs. Layne of Alleghany, M'Cue, Sheffey, Boak, Byrne of Braxton, Lewis and Gilmer, Kyle, Wills, Irvine of Campbell, Cardwell, Irving of Cumberland, Thomas, Scott, Rector, Howard of Floyd, Sydnor, Baily, Clopton, Price, Stovall, Hiatt, Darracott, Welton, Lancaster, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Ferguson, White, Harrison of Loudoun, Beard, Clendenin, Tanzey, Beirne of Monroe, Turner, Syme, Townes, Grasty, Cackley, Fairfax, Goff, Strother, Mayo, Aston, Fugate, Thompson of Smyth, Burdett, Harvey and Boyd—49.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Hart, Watson, Boisseau, Byrd, Mitchell, De Camps, Moncure of Caroline, Jones, Barbour, Vaughan, Stillman, Edwards, Wood, Guerrant, Major, Boykin, Wallace, Tomlin, Harris, Newman, Coleman, Kilby, Robinson, Butt, Cowper, Pitts, Hiner, Herbert, Rives, Harrison of Prince William, Cook, Dorman, Paxton, Martz, Harper, Pitman, Sibert, Hargrave, Nicholson and Boyers—43.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

The following engrossed bills were read a third time and passed:

No. 263. A bill to provide for improving the roads from Harrisonburg in Rockingham county, to Hardy and Pendleton.

No. 262. A bill releasing to William Caruthers the payment of a certain fine.

No. 264. A bill to provide for M'Adamizing certain parts of the Staunton and Parkersburg road.

No. 266. A bill to change the place of holding a separate election in the county of Gilmer.

No. 267. A bill to change the place of holding a separate election in the county of Roanoke.

No. 268. A bill to authorize a separate election at the place called the Sycamores in the county of Caroline.

No. 269. A bill to authorize a separate election at the tavern house of Samuel W. Davis in the county of Lewis.

No. 270. A bill concerning commissioners of sale and for the collection of money under decrees of courts of chancery.

No. 271. A bill directing surveys and estimates for a railroad from New Market in Shenandoah, to the town of Parkersburg on the Ohio river.

No. 273. A bill to provide for the sale of certain lands acquired for the use of the penitentiary, and for other purposes.

No. 275. A bill concerning partly proved deeds.

No. 276. A bill authorizing the division and distribution of the real and personal estate of Thomas Robinson in Orange county.

No. 278. A bill amending the act, entitled "an act concerning district free schools in the county of Jefferson," passed March 27th, 1848.

No. 279. A bill establishing free schools in the county of Albemarle.

No. 280. A bill to incorporate the stockholders of the Female collegiate institute in the county of Buckingham.

No. 281. A bill concerning the executors of Josiah Tidball deceased, late sheriff of the county of Fauquier.

No. 282. A bill concerning weights and measures; and

No. 507. A bill to modify the laws relating to the appointment of state directors in joint stock companies.

Ordered, That the clerk communicate said bills to the senate and request their concurrence.

No. 283. A bill imposing a fee upon persons visiting the interior of the penitentiary, was on motion of Mr. RIVES, ordered to be laid upon the table.

No. 450. A bill to take the sense of the citizens of Wayne county upon the removal of the seat of justice of said county, was taken up on motion of Mr. MOORE, read the first and second times, and ordered to be engrossed and read a third time:

The following bills were read the second time, and ordered to be engrossed and read a third time.

No. 288. A bill to extend the act passed March 20th, 1847, entitled "an act incorporating the Alexandria and Harper's Ferry railroad company."

No. 285. A bill amending the act, entitled "an act concerning the lands of Henry C. Moore of Randolph county."

No. 289. A bill concerning the Little's Falls railroad company.

No. 290. A bill to amend the act passed March 5, 1846, entitled "an act to incorporate the Southside railroad company."

No. 287. A bill to amend the act, entitled "an act to incorporate the **Portsmouth and Chesapeake steamboat company.**

No. 291. A bill concerning the **Smithfield, Charlestown and Harper's Ferry turnpike company.**

No. 293. A bill to authorize an additional subscription for the commonwealth to the capital stock of the **New Shenandoah company.**

No. 294. A bill to exempt a company in the 107th regiment from attending the regimental muster of said regiment.

No. 295. A bill to renew the charter of the **Swift run gap turnpike.**

No. 296. A bill concerning **Abby B. Hopkins and children.**

No. 297. A bill concerning **Thomas Green.**

No. 298. A bill concerning the heirs at law of **Dr. Alexander Gordon deceased.**

No. 299. A bill concerning **John M. Fergusson, sergeant and jailor of the City of Richmond ; and**

No. 301. A bill concerning office copies of certain deeds.

No. 460. A bill concerning western land titles, and for other purposes, was, on motion of **Mr. PRICE**, ordered to be committed to the joint committee on revision.

No. 465. A bill to incorporate the **Alexandria and Valley railroad company**, was read a second time, amended on motion of **Mr. MARTZ**, and as amended, ordered to be engrossed and read a third time.

No. 302. A bill concerning criminal prosecutions in the **City of Richmond**, was read a second time, amended on motion of **Mr. MAYO**, and as amended ordered to be engrossed and read a third time.

The following bills were also read a second time and ordered to be engrossed :

No. 304. A bill concerning the collectors of the school taxes of **Norfolk county.**

No. 305. A bill concerning the collectors of the school quota of **Frederick county**, to be applied to the support of a school at **Middletown.**

No. 310. A bill to incorporate the **Clarksburg and Philippi turnpike company.**

No. 311. A bill to amend the act incorporating the **Elk river bridge company ; and**

No. 312. A bill to incorporate the **Petersburg and Lynchburg railroad company.**

No. 300. A bill to define the pay of commissioners of wrecks, and for other purposes, was read a second time, and an amendment thereto was submitted by **Mr. HERBERT**, and pending the same on motion of **Mr. SYME**, the bill and proposed amendment was ordered to be laid upon the table.

The following bills were, on motions made, ordered also to be laid upon the table, viz :

No. 308. A bill authorizing a separate election at **M'Dowell**, in the county of **Highland ; and**

No. 309. A bill authorizing a separate election at **Blackwell's tan-yard**, in the county of **Albemarle.**

No. 292. A bill directing a subscription on behalf of the commonwealth to the increased capital of the **Louisa railroad company**, was

read a second time, amended on motion of Mr. WATSON, and as amended ordered to be engrossed and read a third time.

No. 313. A bill to incorporate the Norfolk and Western railroad company, was read a second time, and amended on motion of Mr. ROBINSON.

Thereupon a motion was made by Mr. DORMAN, that when the house adjourns to-day it will adjourn until to-morrow 9 o'clock; and the question being put thereupon, it appeared that there was no quorum present. Ayes 42, noes 25.

On motion of Mr. THOMAS, the vote was recorded as follows:

AYES—Messrs. Byrd, Mitchell, Hudson, Byrne of Braxton, Lewis and Gilmer, De Camps, Kyle, Moore, Clarke, Thomas, Rector, Edwards, Sydnor, Baily, Carroll, Stovall, Allen, Webb, Lane of Lee, Harris, Newman, Tanzey, Kilby, Cowper, Buswell, Hiner, Townes, Grasty, Cackley, Fairfax, Harrison of Prince William, Goff, Strother, Dorman, Paxton, Martz, Fugate, Pitman, Sibert, Thompson of Smyth, Moncure of Stafford, George and Harvey—42.

NOES—Messrs. Hopkins, (speaker,) Watson, Cheatham, M'Cue, Sheffey, Wills, Lacy, Jones, Stillman, Welton, Howard of James City, York and Williamsburg, Worthington, Ferguson, White, Beard, Clendenin, Whittle, Beirne of Monroe, Gustin, Pitts, Syme, Rives, Mayo, Boyers and Boyd—25.

On motion of Mr. DORMAN, the house then adjourned until to-morrow 10 o'clock.

SATURDAY, MARCH 10, 1849.

Prayer by the Rev. JACOB MANNING of the Methodist church.

A communication from the senate, by their clerk, was read as follows:

IN SENATE, MARCH 7, 1849.

The senate have agreed to the amendment proposed by the house of delegates to the amendments proposed by the senate to the bill, entitled

“An act authorizing in certain cases the transfer or removal of money or other personal property from the state.”

. They have passed the bills, entitled

“An act providing for the payment of the balance of the purchase money for the copy right of Davis's Criminal Law;” and

“An act increasing the salary of the first clerk of the treasurer's office,” with amendments, in which they request the concurrence of the house of delegates.

They have also passed bills, entitled

“An act to incorporate the Moorfield and Alleghany turnpike company.”

“An act to provide for the extension of the Moorfield and North Branch turnpike road.”

“An act to incorporate the Philippi and Buckhannon turnpike company.”

“An act to amend the act, passed March 10th, 1847, incorporating the Monongahela navigation company.”

"An act further to provide for constructing the road from the Richlands in Tazewell, to the Kentucky line;" and

"An act concerning George W. Snelling, deputy for W. W. Hancock, sheriff of Chesterfield county."

They have agreed to the resolutions fixing the day for the adjournment of the general assembly, and for supplying arms for the use of the Rumford academy.

And have rejected the bill, entitled

"An act to amend the act incorporating the Fredericksburg and Blue Ridge railroad company, and for other purposes."

The said amendments being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

A further communication from the senate by their clerk was read as follows:

IN SENATE, MARCH 8, 1849.

The senate have passed the bills, entitled

"An act to authorize separate elections in the counties of Preston, Ohio and Monongalia." (No. 241.)

"An act to amend 'an act, providing for the erection of a monument to Washington.'" (No. 472.)

"An act providing for the attendance of witnesses before commissioners of assessment for railroad companies." (No. 199.)

"An act to establish a system of district free schools for King George county." (No. 442.)

"An act concerning John E. Baker, adjutant of the 25th regiment of Virginia militia." (No. 222.)

"An act to amend the act, passed March the 25th, 1848, incorporating the Kingwood and West Union turnpike company." (No. 216.)

"An act for the relief of Leroy M. Wilson." (No. 233.)

"An act to amend the act, passed March 1st, 1847, entitled 'an act to increase the capital stock of the Staunton and James river turnpike company, for the purpose of M'Adamizing their road.'" (No. 242.)

"An act to extend the charter of the Franklin society and library company of Lexington." (No. 220.)

"An act concerning Watsontown, in the county of Hampshire." (No. 211.)

"An act providing for taking the sense of the citizens of Middlesex county upon the removal of the seat of justice for said county." (No. 233.)

"An act releasing the Rivanna navigation company from any forfeiture of its charter on account of failure to construct its work upon the scale prescribed in the charter." (No. 244.)

"An act to incorporate the Pamunkey navigation company." (No. 198.)

"An act to incorporate the Pocahontas savings bank." (No. 231.)

"An act to incorporate the Blacksburg savings institution in the county of Montgomery," (No. 219;) and

"An act to authorize a separate election at the house of George J. Davis in the county of Doddridge, and to change a precinct election in the county of Rappahannock." (No. 240.)

They have also passed the bills, entitled

"An act to amend an act, entitled 'an act amending the act regulating proceedings in suits against corporations.'" (No. 209.)

"An act for the protection of persons engaged in destroying wolves in the county of Hardy." (No. 238.)

"An act to incorporate the Rapid Ann mining and manufacturing company." (No. 226.)

"An act to incorporate the Fluvanna gold mining company." (No. 227.)

"An act authorizing the county court of Chesterfield to reassess the lands of the Creek company of colliers." (No. 224.)

"An act to amend the act, entitled 'an act concerning oysters and terrapins, and the penalties in regard to them, so far as Norfolk and Princess Anne counties are concerned.'" (No. 173.)

"An act concerning the taking of oysters in York, Poquosin and Back rivers." (No. 194.)

"An act concerning the Virginia regiment of volunteers," (No. 43;) and

"An act incorporating the Northeast gold mining company," (No. 228,) with amendments, in which they request the concurrence of the house of delegates.

They have also agreed to the resolution for furnishing arms and ordnance to the county of Accomack.

The said amendments being read were severally agreed to, and it was ordered that the clerk inform the senate thereof.

Mr. WHITTLE, from the committee of schools and colleges, presented the following bill:

No. 516. A bill making further provision for the support of primary and district free schools, which was taken up, read the first and second times, and ordered to be engrossed.

Mr. LAIDLEY, according to order, presented the following bill:

No. 517. A bill to incorporate the Charleston and Ohio railroad company.

Mr. MONCURE of Stafford, from the joint committee on revision, presented a report upon the second volume of the reports of the revisors, which on his motion was ordered to be printed. [Doc. No. 60.]

On motion of Mr. MONCURE of Stafford,

Resolved by the general assembly, That the joint committee of revision continue in existence during the recess and until the termination of the adjourned session of the present legislature; that they have leave to sit at such times during the recess as may to them be convenient, and in any room of the capitol not otherwise occupied; and to have such printing done as they may deem proper; that the revisors, Messrs. Patton and Robinson, be requested (if they shall not make their final report before,) to report at their earliest convenience to the said committee during the recess; and that the committee report upon the whole subject with which they are charged to the adjourned session at its commencement.

Ordered, That the clerk communicate the said resolution to the senate and request their concurrence.

Mr. MARTZ presented a petition of citizens of the town of Harrisonburg, praying for the passage of an act incorporating said town, which was ordered to be referred to the committee of propositions and grievances.

Mr. MAYO presented a petition of citizens of the City of Richmond, asking for the incorporation of the New York and Richmond steam navigation company, which was ordered to be laid upon the table.

Mr. LAIDLEY, submitted the following resolution, which on his motion was laid upon the table and ordered to be printed. [Doc. No. 82.]

Whereas it has been a time-honoured custom to perpetuate, in an enduring form, a people's gratitude to those who have signalized themselves by deeds of patriotic heroism ; and whereas it is meet and proper that the people of Virginia should commemorate, in a suitable manner, the bravery of her sons who nobly fell in the defence of the soil which has since become the home of a peaceful, flourishing and happy people ; and whereas history points to the battle of Point Pleasant as the first blow in the war of our revolution :

1. *Be it therefore resolved by the general assembly of Virginia,* That as a grateful tribute to the memory of her gallant citizens who fell on the tenth day of October seventeen hundred and seventy-four, in the battle which was fought near the mouth of the Great Kanawha river, between the Virginia forces, under command of Gen. Andrew Lewis, and the confederated tribes of Shawnee, Delaware, Mingo and Cayuga Indians, a plain, substantial monument, with appropriate inscriptions, shall be erected at or near the scene of said battle.

2. *Resolved,* That Charles Clendenin and Thomas Lewis of Mason, John D. Lewis of Kanawha, Samuel H. Lewis of Rockingham, Rice D. Montague of Montgomery, Madison Pitser of Roanoke, Rufus Pitser of Botetourt, James A. Cochran of Augusta, Robert G. Ward of Culpeper, Milton Kirtley of Madison, and Thomas Creigh of Greenbrier, be and they are hereby appointed collectors, to receive donations to aid in the execution of the purpose hereby declared.

3. *Resolved,* That George W. Summers of Kanawha, and Charles Clendenin and Peter H. Steenbergen of Mason, be and they are hereby appointed commissioners to design said monument, and to direct what inscriptions shall be placed thereon ; and also to contract for and superintend the erection of the same, and to take all necessary measures for the proper execution of the work. And the general assembly hereby pledge the faith of the state that when a sum not less than thousand dollars has been contributed by individuals for the construction of said monument, a sum not exceeding thousand dollars shall be appropriated by the general assembly in aid of the same.

No. 120. A bill to establish a branch bank at Fincastle in the county of Botetourt, was taken up on motion of Mr. HUDSON ; thereupon, an amendment was submitted by Mr. COOK, and an amendment to said amendment was submitted by Mr. LAYNE of Alleghany ; a motion was then made by Mr. CLAIBORNE that the further consideration thereof be indefinitely postponed, and it was determined in the negative. Ayes 50, noes 59.

On motion of Mr. CLAIBORNE, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Nock, Boisseau, Byrd, Moncure of Caroline, Jones, Barbour, Scott, Claiborne, Edwards, Sydnor, Baily, Guerrant, Carroll, Stovall, Allen, Hiatt, Mullins, Boykin, Worthington, Thomson of Jefferson, Wallace, Houser, Tomlin, Lane of Lee, Harrison of Loudoun, Harris, Newman, Coleman, Tanzey, Butt, Yerby, Booth, Pannill, Buswell, Hiner, Grasty, Herbert, Rives, Harrison of Prince William, Paxton, Martz, Harper, Pitman, Sibert, Moncure of Stafford, Hargrave, Nicholson, Boyers and Harvey—50.

NOES—Messrs. Finney, Hart, Watson, Layne of Alleghany, Cheatham, M'Cue, Sheffey, Mitchell, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, De Camps, Kyle, Moore, Wills, Irvine of Campbell, Irving of Cumberland, Vaughan, Clarke, Thomas, Rector, M'Clung, Howard of Floyd, Stillman, Wood, Clopton, Price, Darracott, Welton, Lancaster, Howard of James City, York and Williamsburg, Webb, Ferguson, White, Beard, M'Donald, Clendenin, Whittle, Beirne of Monroe, Kilby, Pérrow, Robinson, Cowper, Turner, Syme, Townes, Cackley, Fairfax, Goff, Mayo, Cook, Aston, Fugate, Thompson of Smyth, Burdett, George, Goodson, Collins and Boyd—59.

The said amendment to the amendment was then agreed to, and the amendment as amended was also agreed to, and the bill as amended was ordered to be engrossed and read a third time.

No. 290. An engrossed bill to amend the act passed March 5th, 1846, entitled "an act to incorporate the Southside railroad company," was read a third time; thereupon, a clause by way of ryder thereto was submitted by Mr. TOWNES, which was twice read, and forthwith engrossed and read a third time.

A motion was made by Mr. WHITTLE that the farther consideration of said bill and ryder be indefinitely postponed, and it was determined in the negative. Ayes 35, noes 66.

On motion of Mr. PAXTON, the vote was recorded as follows:

AYES—Messrs. Nock, Boisseau, Moncure of Caroline, Jones, Clarke, Stillman, Sydnor, Clopton, Guerrant, Maclin of Greenville, Stovall, Allen, Boykin, Howard of James City, York and Williamsburg, Thomson of Jefferson, Houser, Tomlin, Webb, Lane of Lee, Harrison of Loudoun, Harris, Newman, Coleman, Whittle, Gustin, Kilby, Butt, Cowper, Yerby, Pannill, Harrison of Prince William, Paxton, Moncure of Stafford, Hargrave and Nicholson—35.

NOES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Layne of Alleghany, Cheatham, M'Cue, Byrd, Mitchell, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, Wills, Irvine of Campbell, Barbour, Irving of Cumberland, Vaughan, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Claiborne, Wood, Baily, Carroll, Price, Hiatt, Darracott, Welton, Lancaster, Worthington, Laidley, Ferguson, White, Tanzey, Beirne of Monroe, Robinson, Booth, Pitts, Buswell, Turner, Hiner, Syme, Townes, Grasty, Cackley, Fairfax, Herbert, Rives, Goff, Strother, Mayo, Cook, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Burdett, George, Goodson, Collins and Boyd—66.

And the question being put upon the passage of said bill and ryder, was determined in the affirmative. Ayes 61, noes 37.

On motion of Mr. PAXTON, the vote thereupon was recorded as follows:

AYES—Messrs. Hart, Layne of Alleghany, Cheatham, M'Cue, Byrd, Mitchell, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, Wills, Irvine of

Campbell, Cardwell, Barbour, Irving of Cumberland, Vaughan, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Claiborne, Baily, Carroll, Allen, Hiatt, Darracott, Welton, Lancaster, Worthington, Laidley, Ferguson, Clendenin, Tanzey, Perrow, Robinson, Booth, Pitts, Turner, Hiner, Syme, Townes, Grasty, Cackley, Fairfax, Goff, Strother, Mayo, Cook, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Burdett, George, Boyers, Goodson, Collins and Boyd—61.

NOES—Messrs. Hopkins, (speaker,) Nock, Watson, Boisseau, Moncure of Caroline, Jones, Clarke, Stillman, Sydnor, Clopton, Guerrant, Maclin of Greenville, Stovall, Boykin, Thomson of Jefferson, Wallace, Houser, Tomlin, Webb, Lane of Lee, White, Harrison of Loudoun, Newman, Coleman, Whittle, Kilby, Butt, Cowper, Yerby, Herbert, Rives, Harrison of Prince William, Paxton, Moncure of Stafford, Hargrave, Nicholson and Harvey—37.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

The following engrossed bills were, on motions severally made, ordered to be laid upon the table.

No. 293. A bill to authorize an additional subscription for the commonwealth to the capital stock of the New Shenandoah company; and

No. 298. A bill concerning the heirs at law of Doctor Alexander Gordon.

No. 287. An engrossed bill to amend the act, entitled "an act to incorporate the Portsmouth and Chesapeake steamboat company," was read a third time, and the question being put upon its passage, was determined in the negative.

Resolved, That said bill be rejected.

The following engrossed bills were read a third time and passed:

No. 494. A bill changing the time of holding the spring term of Chesterfield circuit court.

No. 450. A bill to take the sense of the citizens of Wayne county upon the removal of the seat of justice of said county.

No. 288. A bill to extend the act passed March 20th, 1847, entitled "an act incorporating the Alexandria and Harper's Ferry railroad company."

No. 285. A bill amending the act, entitled "an act concerning the lands of Henry C. Moore of Randolph county."

No. 289. A bill concerning the Little's falls railroad company.

No. 291. A bill concerning the Smithfield, Charlestown and Harper's Ferry turnpike company.

No. 294. A bill to exempt a company in the 107th regiment from attending the regimental muster of said regiment.

No. 295. A bill to renew the charter of the Swift run gap turnpike.

No. 296. A bill concerning Abby B. Hopkins and children.

No. 297. A bill concerning Thomas Green.

No. 299. A bill concerning John M. Fergusson, sergeant and jailor of the City of Richmond.

No. 301. A bill concerning office copies of certain deeds.

No. 303. A bill concerning criminal prosecutions in the City of Richmond.

No. 304. A bill concerning the collectors of the school taxes of Norfolk county.

No. 305. A bill concerning the collectors of the school quota of Frederick county to be applied to the support of a school at Middletown.

No. 310. A bill to incorporate the Clarksburg and Philippi turnpike company.

No. 311. A bill to amend the act incorporating the Elk river bridge company; and

No. 312. A bill to incorporate the Petersburg and Lynchburg railroad company.

Ordered, That the clerk communicate said bills to the senate and request their concurrence.

No. 292. An engrossed bill directing a subscription on behalf of the commonwealth to the increased capital of the Louisa railroad company was read a third time, and the question being put upon its passage, was determined in the negative. Ayes 21, noes 84.

On motion of Mr. FINNEY, the vote thereupon was recorded as follows:

AYES—Messrs. Hart, Watson, Smith, Layne of Alleghany, M'Cue, Byrd, Burwell, Barbour, Scott, M'Clung, Guerrant, Price, Darracott, Worthington, Harris, Cowper, Booth, Cackley, Strother, Mayo and Dorman—21.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Boisseau, Mitchell, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Kyle, Wills, Irvine of Campbell, Moncure of Caroline, Cardwell, Jones, Irving of Cumberland, Vaughan, Clarke, Rector, Howard of Floyd, Stillman, Claiborne, Edwards, Wood, Sydnor, Baily, Clopton, Carroll, Maclin of Greensville, Stovall, Allen, Hiatt, Bassel, Lancaster, Mullins, Boykin, Howard of James City, York and Williamsburg, Thomson of Jefferson, Laidley, Houser, Tomlin, Webb, Lane of Lee, White, Harrison of Loudoun, Edmondson, Newman, M'Donald, Clendenin, Coleman, Whittle, Tanzey, Gustin, Kilby, Perrow, Robinson, Butt, Yerby, Buswell, Turner, Hiner, Townes, Grasty, Fairfax, Herbert, Rives, Harrison of Prince William, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Moncure of Stafford, Hargrave, Nicholson, Burdett, George, Boyers, Harvey, Collins and Boyd—84.

Resolved, That said bill be rejected.

No. 286. An engrossed bill authorizing two separate elections in the county of Mathews, was read a third time and passed, and the title having been amended on motion of Mr. WHITTLE, was as amended agreed to as follows: "An act authorizing separate elections in the counties of Mathews, Mecklenburg and Highland."

Ordered, That the clerk communicate said bill to the senate and request their concurrence.

No. 246. A bill for the survey of a route for a railroad from the Louisa railroad to the Lynchburg and Tennessee railroad, was taken up on motion of Mr. PERROW, read a second time, amended on motion of Mr. ROBINSON, and as amended, ordered to be engrossed and read a third time.

No. 329. A bill to amend the act passed March 13th, 1848, entitled "an act for the appointment and regulation of pilots on the Potomac river," was read a second time, amended on motion of Mr. SMITH, and as amended, ordered to be engrossed and read a third time.

No. 313. A bill to incorporate the Norfolk and Western railroad company, which was under consideration when the house adjourned

on yesterday, was taken up, and as amended, ordered to be engrossed and read a third time.

No. 331. A bill to change the place of holding a separate election in the county of Clarke, was read a second time, amended on motion of Mr. NICHOLSON, and as amended, ordered to be engrossed and read a third time.

No. 465. An engrossed bill to incorporate the Alexandria and Valley railroad company, was read a third time; and the question being put upon its passage, was determined in the affirmative. Ayes 58, noes 47.

On motion of Mr. RIVES, the vote thereupon was recorded as follows:

AYES—Messrs. Smith, Layne of Alleghany, Cheatham, M'Cue, Byrd, Mitchell, Burwell, Hudson, Byrne of Braxton, Lewis and Gilmer, De Camps, Moore, Wills, Irvine of Campbell, Barbour, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Baily, Carroll, Price, Allen, Hiatt, Welton, Bassel, Lancaster, Mullins, Laidley, Ferguson, Harrison of Loudoun, Beard, M'Donald, Clendenin, Tanzey, Beirne of Monroe, Perrow, Robinson, Pitts, Buswell, Hiner, Cackley, Fairfax, Strother, Dorman, Paxton, Martz, Harper, Fugate, Pitman, Sibert, Thompson of Smyth, Burdett, George, Boyers, Goodson, Collins and Boyd—58.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Watson, Boak, Maclin of Brunswick, Kyle, Moncure of Caroline, Cardwell, Jones, Irving of Cumberland, Vaughan, Clarke, Stillman, Edwards, Wood, Sydnor, Clopton, Guerant, Maclin of Greenville, Stovall, Darracott, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Tomlin, Webb, Lane of Lee, White, Harris, Newman, Coleman, Whittle, Kilby, Yerby, Turner, Townes, Grasty, Herbert, Rives, Harrison of Prince William, Aston, Moncure of Stafford, Hargrave, Nicholson and Harvey—47.

Ordered, That the clerk communicate said bill to the senate and request their concurrence.

Mr. LAYNE of Alleghany announced that the committee on trade and mechanic arts had no further occasion for the services of a clerk, and that officer was ordered to be discharged from further attendance on said committee.

The following bills were read a second time, amended on motion of Mr. FERGUSON, and as amended ordered to be engrossed and read a third time, viz:

No. 333. A bill authorizing two separate elections in the county of Logan.

No. 334. A bill to change the place of holding a separate election in the county of Boone; and

No. 348. A bill incorporating the Guyandotte navigation company.

The following bills were read a second time and ordered to be engrossed and read a third time:

No. 303. A bill to incorporate the Rich Patch turnpike company.

No. 306. A bill to amend the several acts relating to the Pennsylvania, Morgantown and Beverly road.

No. 307. A bill to suspend the payment of interest on the loans to the Richmond medical college.

No. 314. A bill to incorporate the Parkersburg and Tygart's valley railroad company.

No. 315. A bill directing a survey of Powell's and Clinch rivers from and to certain points therein specified.

No. 316. A bill subjecting the Appomattox railroad company to the provisions of the general railroad law.

No. 317. A bill to provide for constructing a road across the Blue Ridge between Madison and Page counties.

No. 318. A bill to permit Robert Walsh and the heirs of Anna M. Walsh to pay taxes on certain lands.

No. 319. A bill increasing the salaries of the commissioners of the revenue for the towns of Norfolk and Petersburg.

No. 320. A bill for the relief of Reuben Lee.

No. 321. A bill for the relief of Richard Gregory.

No. 322. A bill authorizing the sale of a tract of land devised by Henry Smith of Rockingham county to his daughter Elizabeth and her children.

No. 323. A bill refunding to Anthony Loftus certain fines imposed by the circuit superior court of law and chancery for Monongalia county.

No. 324. A bill concerning Charles Lovelace, jailor of the county of Pittsylvania.

No. 325. A bill to incorporate a branch bank at Jeffersonville, in the county of Tazewell.

No. 326. A bill to incorporate the Monroe savings bank, in the town of Union.

No. 327. A bill to amend an act, entitled "an act to amend an act for printing records of causes in the court of appeals, passed March 24, 1842, and for other purposes."

No. 328. A bill reviving the second section of an act, entitled "an act for printing records of causes in the court of appeals," passed March 24th, 1842.

No. 330. A bill to authorize William Blackwell, of the county of Fauquier, his heirs, executors, administrators and assigns, to extend the improvement of the Rappahannock river.

No. 332. A bill to change the place of holding a separate election in the county of Smyth.

No. 335. A bill concerning the fire companies in the city of Wheeling.

No. 336. A bill concerning the sergeant of the town of Lynchburg.

No. 337. A bill to amend the act, entitled "an act reducing into one act the several acts providing for the poor, and declaring who shall be deemed vagrants."

No. 338. A bill to incorporate the savings bank of Wheeling.

No. 341. A bill concerning Lieutenant Robert F. Astrop.

No. 342. A bill directing the Board of public works to construct the Leading Creek and German Settlement turnpike road.

No. 343. A bill to incorporate the Buchanan turnpike company.

No. 344. A bill directing to be constructed a bridge across Polk creek, on the Staunton and Parkersburg road.

No. 345. A bill to incorporate the Glenville turnpike company.

No. 346. A bill to incorporate the Buckhannon and Little Kanawha turnpike company; and

No. 347. A bill to relieve the inhabitants of the town of Bridgewater from the duty of working on public roads.

On motion of Mr. WHITTLE, the house adjourned until Monday 10 o'clock.

MONDAY, MARCH 12, 1849.

Prayer by the Rev. JOHN JOHNS of the Episcopal church.

A communication from the senate by their clerk was read as follows:

IN SENATE, MARCH 9, 1849.

The senate have passed the bills, entitled

"An act concerning executors who have qualified without giving security." (No. 207.)

"An act to legalize John H. Griffith's mill and dam in the county of Harrison." (No. 197.)

"An act to authorize the state's guarantee to certain bonds of the James river and Kanawha company." (No. 176.)

"An act changing the name of the Striderian manufacturing company." (No. 230.)

"An act incorporating the Portsmouth manufacturing company." (No. 149.)

"An act releasing to Washington Skelton a certain fine imposed upon him by the circuit superior court of law and chancery for King & Queen county." (No. 221.)

"An act to protect and regulate ferry rights in the county of Wayne." (No. 237.)

"An act for the relief of J. D. Imboden, as treasurer of schools for Augusta county." (No. 234.)

"An act to amend the act incorporating the Manchester bridge company." (No. 258.)

"An act to incorporate the Hillsborough and Harper's Ferry turnpike company." (No. 243.)

"An act providing for the improvement of the navigation of Twelve Pole river." (No. 248.)

"An act to complete the Sistersville and Salem turnpike company," (No. 177;) and

"An act authorizing an exchange of arms with a troop of cavalry in the county of Appomattox."

They have also passed bills, entitled

"An act to incorporate the Winchester and Harper's Ferry telegraph company." (No. 212.)

"An act changing the place of holding a separate election in the county of Prince George," (No. 411;) and

"An act to incorporate the Spottsylvania gold mining company,"

(No. 229,) with amendments, in which they request the concurrence of the house of delegates.

They have agreed to the resolution to suspend the construction of the Southwestern turnpike road.

And have rejected the resolutions providing for printing, binding and distributing public documents, and for other purposes.

The said amendments being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

A further communication from the senate by their clerk was also read as follows :

IN SENATE, MARCH 10, 1849.

The senate have passed the bills, entitled

"An act concerning nonresident parties to suits." (No. 210.)

"An act concerning Segub H. Parrock." (No. 261.)

"An act to change the place of holding a separate election in the county of Gilmer," (No. 266;) and

"An act to authorize a separate election at the place called the Sycamores in the county of Caroline." (No. 268.)

They have also passed the bills, entitled

"An act to incorporate the Mutual fire insurance company of Loudoun county," (No. 192;) and

"An act to amend the act, entitled 'an act changing the tenure of the office of surveyor,'" (No. 255,) with amendments, in which they request the concurrence of the house of delegates.

They have rejected the bill, entitled

"An act releasing to the heirs of Edwin Ricks the commonwealth's right to certain land therein mentioned." (No. 257.)

And have postponed indefinitely the bill, entitled

"An act extending the time that clerks may execute deeds to purchasers of land sold for nonpayment of taxes." (No. 140.)

The said amendments being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

Mr. WHITTLE, from the committee of schools and colleges, presented a report in relation to the recommendations of the second auditor concerning Bernard's book.

On motion of Mr. WHITTLE,

Ordered, That the said committee be discharged from the consideration of the petition of citizens of the county of Greenbrier, for a modification of their free school system; and from resolutions for incorporating the Northwestern Virginia institution; for separating the office of superintendent of the Literary fund from that of the second auditor; and for publishing Professor Rogers' report of his geological survey; and the said petition and resolutions were laid upon the table.

On motion of Mr. CHEATHAM,

Ordered, That the committee of claims be discharged from the consideration of the petitions of Martin Frasher; of James Barron; of Eppes Johnson; and of Peter Conrod; and from resolutions for paying William S. Martin compensation for conveying a patient to the Western asylum; and for paying Peter Adams a militia claim; and

the said petitions and resolutions were ordered to be laid upon the table.

Mr. LATNE of Alleghany, from the committee of roads and internal navigation, presented the following bill:

No. 518. A bill to increase the state subscription to the stock of the Howardsville and Rockfish turnpike company.

Mr. THOMAS, from the committee to examine the bonds of public officers, presented a report thereon.

On motion of Mr. LAIDLEY,

Ordered, That leave be given to withdraw the petition of citizens of the county of Putnam, relative to the boundary of said county.

Ordered, That Messrs. Beard and Wood be added to the committee to examine enrolled bills.

No. 120. An engrossed bill to establish a branch bank at Fincastle in the county of Botetourt, was read a third time and passed; and the title having been amended on motion of Mr. COOK, was, as amended, agreed to as follows: "An act to establish a branch bank at Fincastle in the county of Botetourt, or Salem in the county of Roanoke."

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

No. 306. An engrossed bill to amend the several acts relating to the Pennsylvania, Morgantown and Beverly road, was read a third time and passed.

Ordered, That Mr. GORR carry the same to the senate and request their concurrence.

No. 307. An engrossed bill to suspend the payment of interest on the loans to the Richmond medical college, was read a third time; thereupon, on motion of Mr. MAYO, the rule of the house was suspended, and the vote ordering said bill to be engrossed, was reconsidered; the said bill was then amended on his motion, and as amended, ordered to be again engrossed.

No. 126. A bill appropriating the public revenue, was taken up on motion of Mr. STOVALL, read a second time, amended on his motion, and as amended, ordered to be engrossed and read a third time.

No. 315. An engrossed bill directing a survey of Powell's and Clinch rivers, from and to certain points therein specified, was read a third time, and the question being put upon its passage, was determined in the negative.

Resolved, That said bill be rejected.

No. 316. An engrossed bill subjecting the Appomattox railroad company to the provisions of the general railroad law was read a third time; thereupon a clause by way of rider thereto was submitted by Mr. DARRACOTT, which was twice read, and the question being put upon engrossing the same was determined in the negative. Ayes 42, noes 43.

The said rider is the following:

Provided however, That it shall not be lawful at any time hereafter for the said railroad company, in combination with any other railroad company, or with any person or persons, to agree upon, give or receive through tickets for the transportation of travel over the said

road; and if at any time hereafter this provision be violated, the charter of said company shall cease and determine.

On motion of Mr. SYME, the vote was recorded as follows:

AYES—Messrs. Watson, Smith, Sheffey, Mitchell, Boak, Hudson, De Camps, Kyle, Irvine of Campbell, Clarke, Thomas, Stillman, Edwards, Wood, Sydnor, Guerrant, Darracott, Bassel, Lancaster, Mullins, Boykin, Houser, Tomlin, Webb, White, Harrison of Loudoun, Beard, M'Donald, Clendenin, Robinson, Butt, Cowper, Buswell, Hiner, Herbert, Harrison of Prince William, Mayo, Paxton, Sibert, Griffin, Nicholson and Boyers—42.

NOES—Messrs. Hopkins, (speaker,) Layne of Alleghany, Boisseau, Cheatham, Byrd, Maclin of Brunswick, Wills, Irving of Cumberland, Vaughan, M'Clung, Howard of Floyd, Claiborne, Clopton, Carroll, Price, Maclin of Greenville, Allen, Hiatt, Howard of James City, York and Williamsburg, Worthington, Newman, Arnett, Whittle, Tanzey, Gustin, Booth, Pannill, Turner, Syme, Townes, Grasty, Rives, Goff, Cook, Dorman, Martz, Harper, Aston, Burdett, George, Harvey, Collins and Boyd—43.

The question recurred upon the passage of the bill and was determined in the negative. Ayes 40, noes 49.

On motion of Mr. SHEFFEY, the vote thereupon was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Layne of Alleghany, Boisseau, Cheatham, M'Cue, Byrne of Braxton, Lewis and Gilmer, Maclin of Brunswick, Moore, Wills, Lacy, Cardwell, Barbour, Irving of Cumberland, Vaughan, M'Clung, Howard of Floyd, Claiborne, Clopton, Carroll, Price, Maclin of Greenville, Allen, Mullins, Howard of James City, York and Williamsburg, Worthington, Newman, Coleman, Whittle, Booth, Pannill, Turner, Syme, Townes, Grasty, Rives, Cook, Dorman, Fugate, Burdett and Boyd—40.

NOES—Messrs. Watson, Smith, Sheffey, Mitchell, Faulkner, Boak, Hudson, De Camps, Kyle, Irvine of Campbell, Clarke, Thomas, Stillman, Edwards, Wood, Sydnor, Baily, Guerrant, Stovall, Hiatt, Darracott, Bassel, Lancaster, Boykin, Houser, Tomlin, Webb, Harrison of Loudoun, Beard, Harris, M'Donald, Tanzey, Gustin, Perrow, Robinson, Butt, Buswell, Hiner, Herbert, Harrison of Prince William, Mayo, Paxton, Martz, Harper, Pitman, Sibert, Griffin, Boyers and Harvey—49.

Resolved, That said bill be rejected.

No. 125. A bill for the gradual redemption of the public debt, was taken up on motion of Mr. STOVALL, read a second time, amended on his motion, and as amended ordered to be engrossed and read a third time.

No. 363. A bill for the better organization of the militia was taken up on motion of Mr. DORMAN and ordered to be referred to the committee on revision.

No. 317. An engrossed bill to provide for constructing a road across the Blue Ridge, between Madison and Page counties, was read a third time and passed.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

No. 314. An engrossed bill to incorporate the Parkersburg and Tygart's valley railroad company, was read a third time; and the question being put upon its passage, was determined in the negative. Ayes 41, noes 63.

On motion of Mr. BASSEL, the vote thereupon was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Boisseau, M'Cue, Byrd, Boak, Byrne of Braxton, Lewis and Gilmer, Moore, Vaughan, Howard of Floyd, Wood, Baily, Clopton, Carroll, Allen, Hiatt, Bassel, Mullins, Worthington, Thomson of Jefferson, Tomlin, Ferguson, Harrison of Loudoun, Clendenin, Coleman, Whittle, Yerby, Hiner, Herbert, Rives, Goff, Harper, Aston, Fugate, Sibert, Thompson of Smyth, Griffin, Hargrave, George, Goodson, Harvey and Collins—41.

NOES—Messrs. Hart, Smith, Layne of Alleghany, Cheatham, Sheffey, Mitchell, Hudson, De Camps, Maclin of Brunswick, Kyle, Wills, Irvine of Campbell, Lacy, Barbour, Irving of Cumberland, Clarke, Thomas, Rector, M'Clung, Stillman, Edwards, Sydnor, Guerrant, Price, Maclin of Greenville, Stovall, Darracott, Lancaster, Howard of James City, York and Williamsburg, Laidley, Wallace, Houser, Webb, Lane of Lee, White, Harris, Newman, Arnett, M'Donald, Tanzey, Gustin, Kilby, Perrow, Cowper, Booth, Pitts, Buswell, Turner, Syme, Townes, Grasty, Fairfax, Harrison of Prince William, Strother, Cook, Dorman, Paxton, Martz, Pitman, Nicholson, Burdett, Boyers and Boyd—63.

Resolved, That said bill be rejected.

The following engrossed bills were read a third time and passed:

No. 516. A bill making further provision for the support of primary and district free schools.

No. 246. A bill for the survey of a route for a railroad from the Louisa railroad to the Lynchburg and Tennessee railroad, and for other purposes.

No. 303. A bill to incorporate the Rich Patch turnpike company.

No. 313. A bill to incorporate the Norfolk and Western railroad company.

No. 319. A bill increasing the salaries of the commissioners of the revenue for the towns of Norfolk and Petersburg; and

No. 320. A bill for the relief of Reuben Lee.

Ordered, That the clerk communicate said bills to the senate and request their concurrence.

No. 321. An engrossed bill for the relief of Richard Gregory, was read a third time; and the question being put upon its passage, was determined in the affirmative. Ayes 64, noes 21.

On motion of Mr. HARRISON of Prince William, the vote was recorded as follows:

AYES—Messrs. Hart, Smith, Layne of Alleghany, Cheatham, M'Cue, Sheffey, Mitchell, Byrne of Braxton, Lewis and Gilmer, Maclin of Brunswick, Kyle, Moore, Wills, Irvine of Campbell, Lacy, Irving of Cumberland, Thomas, M'Clung, Edwards, Baily, Clopton, Carroll, Price, Maclin of Greenville, Stovall, Allen, Hiatt, Bassel, Lancaster, Howard of James City, York and Williamsburg, Worthington, Laidley, Ferguson, White, Harrison of Loudoun, M'Donald, Whittle, Tanzey, Beirne of Monroe, Perrow, Cowper, Booth, Pitts, Buswell, Syme, Townes, Grasty, Cackley, Goff, Strother, Mayo, Dorman, Paxton, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Griffin, Burdett, George, Harvey, Collins and Boyd—64.

NOES—Messrs. Hopkins, (speaker,) Finney, Watson, Boisseau, Clarke, Stillman, Sydnor, Guerrant, Tomlin, Webb, Harris, Newman, Butt, Yerby,

Pannill, Hiner, Herbert, Rives, Harrison of Prince William, Hargrave and Boyers—21.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

The following bills were read a second time, and on motions severally made, ordered to be laid upon the table :

No. 349. A bill to incorporate the Fishing creek and Monongahela railroad company ; and

No. 357. A bill providing for the appointment of a principal engineer.

The following bills were read a second time, and ordered to be engrossed and read a third time, viz :

No. 356. A bill to amend the act, entitled "an act to incorporate the Thornton's gap turnpike company," passed January 19th, 1848, and for other purposes.

No. 358. A bill to incorporate the Union manufacturing company.

No. 350. A bill to authorize Charles B. Penn, of the county of Botsourt, to establish a ferry or bridge across the James river.

No. 351. A bill to incorporate the Hampshire and Morgan turnpike company.

No. 352. A bill directing an additional subscription on behalf of the commonwealth to the capital stock of the Charleston and Point Pleasant turnpike company.

No. 353. A bill to incorporate the Williamsport turnpike company.

No. 354. A bill authorizing Levi Low, of the county of Monongalia, to increase the height of his dam ; and

No. 355. A bill to incorporate the Sweet and Salt Sulphur springs turnpike company.

No. 359. A bill to appoint an agricultural chemist and mineralogist for the state of Virginia, was read a second time, and a motion was made by Mr. HINER, that the further consideration thereof be indefinitely postponed, and it was determined in the negative. Ayes 17, noes 60.

On motion of Mr. PANNILL, the vote was recorded as follows :

AYES—Messrs. Howard of Floyd, Baily, Carroll, Allen, Lane of Lee, Ferguson, Newman, M'Donald, Whittle, Tanzey, Hiner, Cackley, Harrison of Prince William, Aston, Fugate, Griffin and Hargrave—17.

NOES—Messrs. Hopkins, (speaker,) Watson, Smith, Layne of Alleghany, Boisseau, Cheatham, M'Cue, Sheffey, Mitchell, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, Kyle, Wills, Lacy, Vaughan, Thomas, Stillman, Edwards, Sydnor, Clopton, Price, Maclin of Greenville, Bassel, Lancaster, Howard of James City, York and Williamsburg, Worthington, Laidley, Tomlin, White, Harrison of Loudoun, Beard, Harris, Clendenin, Coleman, Beirne of Monroe, Kilby, Perrow, Butt, Cowper, Booth, Pitts, Pannill, Buswell, Turner, Townes, Grasty, Fairfax, Rives, Goff, Dorman, Paxton, Martz, Harper, Pitman, Sibert, Nicholson, George, Harvey and Boyd—60.

The said bill was then amended on motions of Mr. TOWNES, and as amended ordered to be engrossed and read a third time.

Mr. DORMAN submitted the following resolution :

Resolved, That this house will upon each day during the remainder of the session, take a recess from half past two until four o'clock.

Resolved further, That this house shall now take a recess until five o'clock.

Pending the consideration thereof, on motion of Mr. PERROW, the house adjourned until to-morrow, 10 o'clock. Ayes 45, noes 38.

On motion of Mr. DORMAN, the vote thereupon was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Hart, Watson, Boisseau, M'Cue, Sheffey, Byrd, Mitchell, Hudson, De Camps, Lacy, Vaughan, Stillman, Edwards, Sydnor, Guerrant, Carroll, Price, Maclin of Greenville, Stovall, Allen, Lancaster, Howard of James City, York and Williamsburg, Worthington, Webb, White, Harrison of Loudoun, Beard, Harris, M'Donald, Clendenin, Tanzey, Perrow, Cowper, Pitts, Pannill, Townes, Grasty, Cackley, Aston, Pitman, Sibert, Harvey, Collins and Boyd—45.

NOES—Messrs. Smith, Layne of Alleghany, Cheatham, Faulkner, Boak, Kyle, Wills, Clarke, Thomas, M'Clung, Howard of Floyd, Baily, Clopton, Bassel, Lane of Lee, Ferguson, Newman, Coleman, Whittle, Beirne of Monroe, Buswell, Turner, Hiner, Fairfax, Rives, Harrison of Prince William, Goff, Dorman, Paxton, Martz, Harper, Fugate, Griffin, Hargrave, Nicholson, George, Boyers and Goodson—38.

TUESDAY, MARCH 13, 1849.

Prayer by the Rev. GEORGE WOODBRIDGE, of the Episcopal church.

A communication from the senate, by their clerk, was read as follows:

IN SENATE, MARCH 12, 1849.

The senate have passed the bills, entitled

"An act to provide for the construction of a road from the forks of Sandy river in Wayne county, to the Kanawha turnpike in Cabell county." (No. 103.)

"An act to provide for the Southside and Rivanna connections." (No. 160.)

"An act to provide for M'Adamizing certain parts of the Staunton and Parkersburg road." (No. 264.)

"An act concerning Claudius Crozet." (No. 253.)

"An act to establish a bank at Scottsville in the county of Albemarle." (No. 247.)

"An act concerning the Berryville and Charlestown turnpike company." (No. 215.)

"An act to amend the several acts relating to the Pennsylvania, Morgantown and Beverly road." (No. 306.)

"An act to incorporate the stockholders of the Female collegiate institute in the county of Buckingham." (No. 280.)

"An act authorizing a separate election in the counties of Mathews, Mecklenburg and Highland." (No. 286.)

"An act concerning the collectors of the school taxes of Norfolk county." (No. 304.)

"An act to change the place of holding a separate election in the county of Wirt." (No. 236.)

"An act to provide for improving the roads from Harrisonburg in Rockingham county, to Hardy and Pendleton." (No. 263.)

"An act to change the place of holding a separate election in the county of Roanoke." (No. 267.)

"An act to authorize a separate election at the tavern house of Samuel W. Davis, in the county of Lewis." (No. 269.)

"An act concerning commissioners of sale, and for the collection of money under decrees of courts of chancery." (No. 270.)

"An act concerning partly proved deeds." (No. 275.)

"An act for the relief of Forrest Griffith." (No. 277.)

"An act to amend the act, entitled 'an act concerning district free schools in the county of Jefferson, passed March 27th, 1848.'" (No. 278.)

"An act concerning the executors of Josiah Tidball deceased, late sheriff of the county of Fauquier." (No. 281.)

"An act amending the act, entitled 'an act concerning the lands of Henry C. Moore of the county of Randolph,' (No. 285;) and

"An act authorizing part of the school quota of Frederick county to be applied to the support of schools at Middletown." (No. 305.)

They have also passed the bills, entitled

"An act to provide for constructing on state account a turnpike road from Alleghany county to the Staunton and Parkersburg road." (No. 196.)

"An act to authorize separate elections in the counties of Wirt, Bath and Fairfax." (No. 239.)

"An act to provide for the sale of certain lands acquired for the use of the penitentiary, and for other purposes." (No. 273.)

"An act authorizing the division and distribution of the real and personal estate of Thomas Robinson, in Orange county," (No. 276;) and

"An act incorporating the Gas light company of Norfolk," with amendments, in which they request the concurrence of the house of delegates.

They have agreed to the resolution authorizing the joint committee on revision to hold their sessions during the recess of the general assembly, and for other purposes.

They have rejected the bills, entitled

"An act increasing the compensation of the commissioner of the City of Richmond," (No. 218;) and

"An act releasing to William Caruthers the payment of a certain fine." (No. 262.)

And they have postponed indefinitely the bills, entitled

"An act concerning the heirs and distributees of John Woodsides deceased," (No. 223;) and

"An act to modify the laws relating to the appointment of state directors in joint stock companies." (No. 507.)

The said amendments being read, were severally agreed to by the house, and it was ordered that the clerk inform the senate thereof.

Mr. STILLMAN, from the committee on enrolled bills, reported that the said committee had examined sundry other bills and found them truly enrolled.

Ordered, That the clerk communicate the same to the senate for further examination.

Mr. WORTHINGTON, from the committee for courts of justice, presented a report upon the petition of J. Hannah, jr.

Mr. JONES, from the committee of propositions and grievances, presented the following bill :

No. 219. A bill to authorize the corporation of Lynchburg to purchase land and erect a poorhouse without the limits of said corporation.

On motion of Mr. LAYNE of Alleghany,

Ordered, That the committee of roads and internal navigation be discharged from the consideration of resolutions for surveying Coal river ; for a survey of the Tygart's valley river ; for allowing new ferries near established ferries ; for directing the Board of public works to have made a series of county maps ; for amending the second section of the act prescribing general conditions for subscriptions by the state to joint stock companies ; and for reporting bill No. 123 of last session, concerning the Roanoke navigation company ; and from the petitions of John Harper ; of citizens of Taylor, Marion and Harrison counties, for a turnpike road ; of citizens of Hardy county, for a turnpike ; and of William Morris ; and the said resolutions and petitions were ordered to be laid upon the table.

Mr. STOVALL, from the committee of finance, presented the following bill :

No. 220. A bill to permit the heirs of Thomas Fitzsimmons deceased, to pay the taxes on their lands.

Mr. WHITTLE announced that the committees of schools and colleges, and of roads and internal navigation, had no further occasion for a clerk ; and that officer was ordered to be discharged accordingly.

No. 235. An engrossed bill to suspend, on certain conditions, the payment of interest on the loan to Emory and Henry college, was taken up on motion of Mr. STOVALL, and read a third time ; and the question being put upon its passage, was determined in the negative. Ayes 47, noes 52.

On motion of Mr. EDWARDS, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Watson, Smith, Layne of Alleghany, Boisseau, Sheffey, Mitchell, Burwell, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, Moore, Wills, Jones, Barbour, Irving of Cumberland, Segar, Stillman, Claiborne, Maclin of Greenvsille, Stovall, Lancaster, Mullins, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Lane of Lee, Ferguson, Harrison of Loudoun, Beirne of Monroe, Kilby, Perrow, Cowper, Syme, Townes, Goff, Mayo, Cook, Paxton, Martz, Aston, Fugate, Thompson of Smyth, Nicholson, George, Goodson and Boyd—47.

NOES—Messrs. Finney, Cheatham, M'Cue, De Camps, Maclin of Brunswick, Kyle, Irvine of Campbell, Vaughan, Clarke, Thomas, M'Clung, Howard of Floyd, Edwards, Wood, Sydnor, Baily, Clopton, Guerrant, Carroll, Price, Allen, Hiatt, Bassel, Boykin, Wallace, Houser, Tomlin, Webb, White, Beard, Harris, Newman, M'Donald, Clendenin, Coleman, Whittle, Tanzey, Gustin, Butt, Yerby, Buswell, Turner, Hiner, Grasty, Cackley, Fairfax, Harrison of Prince William, Hargrave, Burdett, Boyers, Harvey and Collins—52.

Resolved, That said bill be rejected.

The following engrossed bills were read a third time and passed:

No. 322. A bill authorizing the sale of a tract of land devised by Henry Smith, of Rockingham county, to his daughter Elizabeth and her children.

No. 323. A bill refunding to Anthony Loftus certain fines imposed by the circuit superior court of law and chancery for Monongalia county.

No. 324. A bill concerning Charles Lovelace, jailor of the county of Pittsylvania.

No. 126. A bill appropriating the public revenue; and

No. 225. A bill for the gradual redemption of the public debt.

Ordered, That the clerk communicate said bills to the senate and request their concurrence.

The following bills were read a second time, amended on motions severally made, and as amended ordered to be engrossed and read a third time, viz:

No. 366. A bill to increase the state's subscription to the capital stock of the Hardy and Winchester turnpike company.

No. 376. A bill to incorporate the Dismal and Walker's creek iron manufacturing company, in the county of Giles; and

No. 390. A bill providing for the election of trustees for the town of Hampton in the county of Elizabeth City, and vesting them with corporate powers.

The following bills were read a second time and ordered to be engrossed and read a third time, viz:

No. 362. A bill prohibiting the brands used by one manufacturer of tobacco from being used by another.

No. 365. A bill to amend the act incorporating the Jacksonville academy.

No. 367. A bill to macadamize the Fishing creek and Ice's ferry roads.

No. 368. A bill directing an increase of the state's subscription to the capital stock of the Giles, Fayette and Kanawha turnpike company.

No. 369. A bill incorporating the Albemarle and Nelson mining and smelting company.

No. 370. A bill providing for the reception of insane persons of the naval service and marine corps of the United States into the Eastern lunatic asylum.

No. 371. A bill releasing the commonwealth's right to a certain house and lot therein mentioned, to Martha W. Gayle.

No. 372. A bill concerning committees of estates of lunatics.

No. 373. A bill concerning the commissioners of the revenue.

No. 374. A bill to incorporate the Wellsburg and Bethany turnpike company.

No. 375. A bill to incorporate the Clarksburg and Wheeling turnpike company.

No. 379. A bill changing the place of holding a separate election in the county of Botetourt.

No. 381. A bill authorizing a separate election at the house of Jesse Hall in the county of Harrison.

No. 383. A bill concerning Elizabeth C. Finney and her children.

No. 384. A bill concerning John Tatsapaugh of the town of Alexandria.

No. 385. A bill to incorporate the Kanawha telegraph company.

No. 387. A bill amending the act, entitled "an act concerning delinquent and forfeited lands, and providing for the sale of land returned delinquent hereafter for the nonpayment of taxes," passed March 1st, 1832.

No. 388. A bill to authorize a portion of the trust fund held by James B. Ferrell for the benefit of Piety Dunman and her children to be invested in real estate.

No. 391. A bill to extend the limits of and provide for electing trustees for the town of Marion in the county of Smyth, and vesting them with certain corporate powers; and

No. 392. A bill to incorporate the Baltimore, Norfolk and Petersburg steamboat company.

No. 377. A bill to prevent the emancipation of slaves except in certain cases, was read a second time, amended on motions severally made, and on motion of Mr. STROTHER, ordered to be referred to the committee on revision.

The following bills were, on motions severally made, ordered to be laid upon the table:

No. 378. A bill to change the place of holding a separate election in the county of Rappahannock; and

No. 380. A bill authorizing a separate election at Laurel Point in the county of Monongalia.

No. 382. A bill to amend the act, entitled "an act concerning conveyances or devises of places of meeting of certain benevolent associations," was, on motion of Mr. STOVALL, ordered to be referred to the committee on revision.

No. 386. A bill to protect the property of married women, was amended on motion of Mr. HARVEY, and, on motion of Mr. PRICE, ordered to be referred to the committee on revision.

No. 389. A bill for the relief of Richard F. Farrar, a teacher in the county of Albemarle, was, on motion of Mr. WHITTLE, ordered to be laid upon the table.

The following bills were read the first and second times, amended on motions severally made, and as amended ordered to be engrossed:

No. 401. A bill for the relief of Wilson Anderson; and

No. 425. A bill incorporating the Logan, Raleigh and Monroe turnpike.

The following bills were read a second time and ordered to be engrossed and read a third time, viz:

No. 393. A bill to incorporate the Glenville and Charleston turnpike company.

No. 394. A bill in relation to the Richmond and Petersburg railroad company; and

No. 361. A bill to extend the corporate limits of the town of Petersburg.

No. 429. A bill for the relief of the creditors of James Swan deceased, was, on motion of Mr. THOMAS, ordered to be laid upon the table.

The following bills were read the first and second times, amended on motions severally made, and as amended ordered to be engrossed and read a third time :

No. 434. A bill to authorize Tyre Black of Wayne county, to establish a ferry across the Sandy river.

No. 435. A bill to incorporate the Farmers, Planters and Mechanics savings bank of Bedford.

No. 436. A bill to incorporate the Abingdon savings bank.

No. 446. A bill to aid the Chesapeake and Ohio canal company in certain repairs of their work.

No. 448. A bill concerning oysters in Nansemond county.

No. 457. A bill to authorize a further subscription for the commonwealth to the capital stock of the Fauquier and Alexandria turnpike company ; and

No. 499. A bill to incorporate the Southwestern and Atlantic telegraph company.

No. 500. A bill authorizing a separate election at the storehouse of Charles R. Edmondson in the county of Mecklenburg, was, on motion of Mr. WHITTLE, ordered to be laid upon the table.

No. 325. An engrossed bill to incorporate a branch bank at Jeffersonville in the county of Tazewell ; and

No. 326. An engrossed bill to incorporate the Monroe savings bank in the town of Union, were severally read the third time and passed.

Ordered, That the clerk communicate the said bills to the senate and request their concurrence.

No. 327. An engrossed bill to amend an act, entitled "an act to amend an act for printing records of causes in the court of appeals, passed March 24th, 1842, and for other purposes," was, on motion of Mr. MAYO, ordered to be laid upon the table.

The following bills were read the first and second times, and ordered to be engrossed and read a third time, viz :

No. 395. A bill incorporating the Berkeley and Jefferson turnpike company.

No. 396. A bill to increase the capital stock of the Weston and Fairmont turnpike company.

No. 397. A bill to incorporate the Short creek turnpike company.

No. 398. A bill to incorporate the Martinsburg and Potomac turnpike company.

No. 399. A bill to incorporate the Fredericksburg and Blue Ridge steamboat company.

No. 400. A bill for the relief of the Rappahannock company.

No. 402. A bill concerning John M. Seely.

No. 403. A bill to incorporate the Morgantown and Bridgeport turnpike company.

No. 404. A bill incorporating the Orlean and Salem turnpike company.

No. 405. A bill incorporating the Warrenton and Rappahannock turnpike company.

No. 406. A bill concerning Capts. Browning and Glenn of the revolutionary war.

No. 407. A bill concerning John D. Thomasson, commissioner of the revenue for the county of Wirt.

No. 409. A bill to incorporate the Virginia and New York steam-packet company.

No. 410. A bill changing the time of holding the county court of Clarke county for the month of June.

No. 412. A bill to provide for electing trustees of the town of Clarksburg, in the county of Harrison, and vesting them with corporate powers.

No. 413. A bill to amend an act to incorporate the Front Royal turnpike company.

No. 414. A bill to incorporate the Castleman's toll bridge company.

No. 415. A bill to incorporate the Grindstone hill mining company.

No. 416. A bill to authorize the president and directors of the Farmers Bank of Virginia to increase the capital of the branch of said bank at Wytheville.

No. 417. A bill concerning William F. Lemosy.

No. 418. A bill to incorporate the Virginia navigation company.

No. 419. A bill to authorize county courts to establish public landings, with restrictions upon the public use thereof.

No. 420. A bill changing the names of Fleming and Friendless Blood to that of Meredith.

No. 421. A bill concerning Robert Ratcliffe, commissioner of the revenue for the county of Fairfax.

No. 422. A bill concerning Joseph Remly of the county of Greenbrier.

No. 423. A bill to amend the act incorporating the Blue Ridge turnpike company.

No. 424. A bill concerning the Little Kanawha bridge company.

No. 426. A bill increasing the compensation of the commissioners of the revenue for the counties of Roanoke and Jefferson.

No. 428. A bill directing that the papers in the suit of Crolly & M'Keon against the president and directors of the Northwestern turnpike company, be transferred to the clerk of the circuit superior court of law and chancery for the county of Harrison.

No. 430. A bill concerning the sergeant of the town of Lynchburg.

No. 432. A bill authorizing a separate election at Brucetown, in the county of Frederick.

No. 433. A bill to incorporate the Lynchburg hose and fire insurance company.

No. 437. A bill to incorporate the Citizens savings bank in the town of Liberty.

No. 438. A bill concerning the annual meetings of school commissioners.

No. 439. A bill to apportion the school quotas between the counties of Campbell and Appomattox.

No. 440. A bill to amend the act, entitled "an act to incorporate the White Hall mining company," passed April 4th, 1848.

No. 441. A bill to incorporate the Chesapeake steamboat company.

No. 443. A bill to declare Sancho creek in the county of Tyler, a public highway.

No. 444. A bill concerning the debt to the Board of public works due from the trustees of Portsmouth, on account of the purchase of the Seaboard and Roanoke railroad.

No. 445. A bill providing for the completion of the Little Stone gap road.

No. 447. A bill for the relief of William W. Jones, of the county of Spottsylvania.

No. 449. A bill to authorize a separate election at Rocklick school-house, in the county of Marshall.

No. 451. A bill to incorporate the Lynchburg Female orphan asylum.

No. 452. A bill increasing the compensation of the commissioner of the revenue for the upper district in the county of Nansemond.

No. 454. A bill to authorize Braxton Garlick, of the county of New Kent, to construct a wharf on the Pamunkey river.

No. 455. A bill concerning masters and apprentices in the county of Alexandria.

No. 456. A bill concerning William Ayres of the county of Patrick.

No. 458. A bill concerning the bridge across Jackson's river at Covington.

No. 459. A bill to aid the Norfolk seaman's friend society.

No. 461. A bill conferring additional power on the trustees of the town of Charlottesville.

No. 462. A bill to incorporate the Union Hotel company in the town of Winchester, in the county of Frederick.

No. 463. A bill incorporating the Junction Valley turnpike company.

No. 464. A bill amending an act to incorporate the Smith's river navigation company, passed March 24th, 1848.

No. 466. A bill incorporating the Neotrophian society of Bethany college.

No. 467. A bill to incorporate the Wesleyan Female institute in the town of Staunton.

No. 468. A bill authorizing the county court of Prince William to reassess the land now owned by Richard C. Mackall, on which the Sudley mills are situated.

No. 469. A bill to incorporate the Buffalo academy, in the county of Putnam.

No. 470. A bill to incorporate the Franklin savings bank of the City of Richmond.

No. 471. A bill amending the charter of the Piedmont mining company.

No. 472. A bill divorcing Nancy Peyton from her husband Valentine Peyton.

No. 473. A bill incorporating the Virginia telegraph company.

No. 474. A bill annexing to the county of Braxton a part of the county of Randolph.

No. 475. A bill for the relief of Henry Gordon, deputy for Charles Selden, late sheriff of the county of Powhatan.

No. 476. A bill to authorize Robert P. Waring, of Essex county, to charge wharfage at his wharf on the Rappahannock river.

No. 477. A bill authorizing Samuel Wilson to construct a wharf on the James river, in the county of Isle of Wight.

No. 478. A bill providing for a trigonometrical survey of the state of Virginia, with a view to the publication of a correct geographical map of the state.

No. 479. A bill to amend the act appointing trustees of the town of Port Royal, in the county of Caroline, with certain powers, passed January the 29th, 1829.

No. 480. A bill amending an act to incorporate the Harper's Ferry and Shenandoah company, passed February 14th, 1846.

No. 481. A bill to authorize a subscription on behalf of the commonwealth to the capital stock of the Virginia and Maryland bridge company.

No. 482. A bill divorcing Henry C. Moore from his wife Elizabeth.

No. 483. A bill authorizing a separate election for the county of York, at the Raleigh tavern in the city of Williamsburg.

No. 484. A bill to amend the act incorporating the Harrisville turnpike company, and to increase the state subscription to the capital stock of the company.

No. 485. A bill to incorporate the Knobly valley turnpike company.

No. 486. A bill making a further appropriation to the Northwestern turnpike road.

No. 487. A bill concerning Fenton G. North, of the county of Charlotte.

No. 488. A bill to incorporate the town of Harrisonburg, in the county of Rockingham.

No. 489. A bill to enlarge the accommodations for the state library, and for other purposes.

No. 490. A bill for the relief of Catharine Panham.

No. 491. A bill providing for the construction of a road from the house of James Shannon, in the county of Logan, to the Bluffs, on the line between Logan and Mercer counties.

No. 492. A bill to provide for constructing a state road from Christiansburg to Patrick courthouse.

No. 493. A bill incorporating the Cole river navigation company.

No. 495. A bill to incorporate the trustees of the Williamsburg academy.

No. 496. A bill authorizing the enlistment of musicians for the military institute.

No. 497. A bill authorizing a reward for killing wild cats in the counties of Franklin, Pendleton and Highland.

No. 498. A bill incorporating the Marion bridge company.

No. 501. A bill to incorporate the Buchanan and Roanoke railroad company.

No. 502. A bill to incorporate the trustees of the Mount Pleasant academy in Bedford.

No. 503. A bill to amend the act passed April the 3d, 1848, chap. 175, concerning the Newmarket and Sperryville turnpike company.

No. 504. A bill divorcing William Rucker from his wife Elizabeth.

No. 505. A bill authorizing the payment of a sum of money to Thomas Wright, of the town of Fredericksburg.

No. 506. A bill for the relief of Thomas Farr and Joshua Eddy.

No. 508. A bill repealing the act, entitled "an act to amend the act entitled 'an act concerning the formation of new counties.'"

No. 509. A bill to dispense with any slope in the dam of Franklin Davis, across Buffaloe creek in the county of Marion.

No. 510. A bill for extending the Beverly and Fairmont road to Blacksville in Monongalia.

No. 511. A bill to amend the act concerning the Dunkard creek turnpike company, passed March 12th, 1848.

No. 512. A bill to amend the act, entitled "an act providing more effectually for the protection of sheep in the county of Loudoun."

No. 513. A bill regulating the weight of certain grain and seeds.

No. 514. A bill to authorize the Bank of Virginia to establish a branch of said bank at Ripley or Ravenswood, in the county of Jackson.

No. 515. A bill to authorize the county courts to appoint a time for taking the sense of the voters of any county upon the question of a county subscription for the stock of a railroad or turnpike company.

No. 517. A bill to incorporate the Charleston and Ohio railroad company.

No. 518. A bill to increase the state's subscription to the stock of the Howardsville and Rockfish turnpike company.

No. 519. A bill to authorize the corporation of Lynchburg to purchase land and erect a poorhouse without the limits of said corporation; and

No. 520. A bill to permit the heirs of Thomas Fitzsimmons deceased, to pay the taxes on their lands.

Mr. STOVALL, from the committee of finance, presented the following bill, which was read twice and ordered to be engrossed and read a third time, viz:

No. 521. A bill to permit Mary Morton and the heirs of Thomas Wainwright, to pay the taxes on her land.

The following reports of several committees were on motion of Mr. STOVALL, ordered to be laid upon the table:

The committee on claims have, according to order, had under consideration the petition of Daniel D. M'Rae, praying compensation as a teacher of poor children in the county of Smyth, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of said petition be rejected.

The committee of agriculture and manufactures have, according to order, enquired into the expediency of altering or amending the laws in regard to the inspection of flour: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to alter or amend the said laws.

The committee of agriculture and manufactures have, according to order, had under consideration the petition of a number of citizens of Ohio county, to them referred, praying that a tax of one cent per head be levied on all sheep kept and owned in said county, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected.

The committee of agriculture and manufactures have, according to order, had under consideration the petitions of sundry millers of the counties of Amherst, Roanoke, Prince Edward and Buckingham, to them referred, praying the passage of an act "repealing all laws now in force, requiring that all flour shall be inspected here before it is exported out of the state, leaving it optional with the Virginia millers to have their flour inspected before exportation or not, as they may think proper," and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petitions be rejected.

The committee of agriculture and manufactures have, according to order, had under consideration the petitions of wool growers of Ohio county, together with proceedings of a wool growers' meeting, and the report by said meeting, to them referred, praying for a tax on dogs owned and kept in said county, and that the funds created thereby shall be applied to the use of schools of said county, and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petitions be rejected.

The committee of roads and internal navigation have, according to order, enquired into the expediency of amending an act passed March the 22d, 1838, establishing a ferry between Norfolk and Portsmouth, and the committee have come to the following resolution:

Resolved, That it is inexpedient to amend the said act, for want of the notice required by the 23d rule of the house of delegates.

The committee for courts of justice have, according to order, enquired into the expediency of amending the first section of the act passed the 22d January 1846, concerning proceedings at rules, &c. so as to provide that where the session of any circuit superior court of law and chancery now commences on the first Monday in any month, or on any day between the first day and the first Monday in any month, the last Monday in the next preceding month shall be a rule day for such court, instead of the first Monday as now prescribed by law: Whereupon,

Resolved as the opinion of this committee, That it is inexpedient to amend the act aforesaid as proposed.

The committee of propositions and grievances have, according to order, had under consideration the petition of sundry citizens of Brooke county, to them referred, praying that the separate election established at the last session of the general assembly, at the house of James Neal, near the line dividing said county from the new county of Hancock, may be changed to and hereafter held at the house now occupied as a schoolhouse by Samuel Wallace; and in connection there-

with. have also had under consideration the memorial of sundry other citizens of said county, remonstrating against such removal: Whereupon,

Resolved as the opinion of this committee, That the prayer of said petitioners be rejected for want of notice.

The committee of schools and colleges have, according to order, considered the recommendations of the second auditor, in relation to the purchase of Mr. Bernard's book for the use of the free schools of this state; and in relation to the "establishment of two general school systems;" and have come to the resolution that it is inexpedient to purchase the book referred to. The committee also ask to be discharged from the further consideration of the auditor's suggestions concerning the establishment of two general school systems.

The committee appointed by the house of delegates, jointly to act with a committee appointed by the senate, to examine the bonds of the public officers, have performed that duty, and beg leave respectfully to report, that they have found the bonds of said officers in the form prescribed by law, and approved by the proper officers of the government.

They find, however, that there is no evidence that any of the said officers have taken the several oaths of office required by law, except the auditor of public accounts and the second auditor, and respectfully submit it to the general assembly whether such evidence of qualification should not accompany said bonds.

HENRY W. THOMAS, C. C. H. D.
WM. KINNEY, C. Com. of Senate.

The committee for courts of justice have, according to order, had under consideration the petition of J. Hannah, jr., to them referred, praying for the passage of a law changing the name of Eliza M. Sullivan to Eliza M. Hannah; and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected, because the courts have authority to change the name.

The committee for courts of justice have, according to order, had under consideration the petition of Esther Maria Lewis, executrix of Lorenzo Lewis deceased, to them referred, "praying for authority to exchange a small quantity of real estate;" and have come to the following resolution thereupon:

Resolved as the opinion of this committee, That the prayer of the said petition be rejected, because the law already provides for the case.

The following letter from Alexandre Vattemare was also ordered to be laid upon the table, viz:

RICHMOND, February 2d, 1849.

TO CHARLES JAMES FAULKNER,

Chairman of the Joint Library Committee.

SIR,—I have the honour herewith of sending to you a list or catalogue of the books, maps, &c., which, from the commencement of

my agency up to the present time, I have presented to the state of Virginia in the name of the chamber of deputies and of the several members of the executive departments of France. I now add to this collection a copy of the great *geological map of France*, with a quarto volume explanatory of the same. This I have the pleasure of presenting to you, as chairman of the library committee, in the name of the minister of public works, with the minister's respects, and his earnest hope that this great national work may stimulate the general assembly of your state to complete its own interesting researches in the same department of science, and to enrich the two worlds with a geological map of your own state, to shew them the immense, the almost incredible, wealth and resources which lie concealed in the bosom of Virginia.

I present you also—

A History of Virginia, (in French,) with maps and plates, published at Amsterdam in 1710.

Michaux's travels in America in 1802, published in Paris, 1808; and also the

ALBUM COSMOPOLITE, it being a selection from my own private collections: a folio volume, containing a series of engravings and lithographs from original drawings, paintings, medals, &c., made for me by the best living artists of twenty-seven different nations, with a great number of fac-similes of the autographs of the most celebrated poets, sovereigns, statesmen, warriors, &c. &c. of ancient and modern times, and I most respectfully beg of you, Mr. Chairman, to accept these three works from my own library, as a very humble and inadequate token of my gratitude and devotion to this noble and ancient dominion, for its generous hospitality towards me, (an unworthy missionary of the great cause of the intellectual union of nations,) while the honoured guest of Virginia.

Permit me likewise, Mr. Chairman, through your kind official medium, to express my thanks to his honour the mayor and to the citizens of Richmond, for the enthusiasm with which they approved of my system at the public meeting of November last, on which occasion the most generous and patriotic resolutions were adopted, pledging their coöperation in this great enterprise. Already the Historical Society, and several distinguished citizens of the state, have testified their appreciation of this system of exchanges, by the transmission of valuable gifts to the *Virginia alcove*, in the American library of the City of Paris.

My most sincere acknowledgments are also emphatically due to the students of the University of Virginia for their gratifying present to the City of Paris, the result of a subscription by themselves—a donation evincing great liberality, and the highest evidence of the sincerity of the kind feelings which they have expressed towards my beloved country, and the best pledge of their determination, when hereafter in public life, to support with their talents and influence the system to which I am devoting my life. This present, together with the valuable collection of legislative documents, judicial reports, &c., which have been presented by Virginia to France, will be received in my

country with that respect and admiration so justly due to the source from which they have come.

Such evidences of liberality, as well as the intrinsic merit and value of the works themselves—noble emanations of the genius and labour of Virginia—cannot fail to increase, if that were possible, the esteem and admiration so justly due to the native land of Washington and of those numerous other illustrious statesmen who have given a hemisphere to liberty and to letters.

Accept, for yourself, my thanks for the courtesy and kindness with which you have, individually and officially, encouraged and seconded my efforts in this noble system of human progress and improvement.

I have the honour to be, Sir,

With the most profound respect,

Your very humble servant,

ALEXANDRE VATTEMARE.

On motion of Mr. TOWNES, the house adjourned until to-morrow 10 o'clock.

WEDNESDAY, MARCH 14, 1849.

Prayer by the Rev. ADAM EMPIE, of the Episcopal church.

A communication from the senate by their clerk, was read as follows:

IN SENATE, MARCH 13, 1849.

The senate have passed the bills, entitled

"An act concerning the Little's Falls railroad company." (No. 289.)

"An act defining the duties of officers conducting election precincts in certain cases." (No. 252.)

"An act to extend the act passed March 20th, 1847, entitled 'an act incorporating the Alexandria and Harper's Ferry railroad company.'" (No. 288.)

"An act concerning Thomas Green." (No. 297.)

"An act to incorporate the Clarksburg and Philippi turnpike company." (No. 310.)

"An act to incorporate the Petersburg and Lynchburg railroad company." (No. 312.)

"An act to renew the charter of the Swift run gap turnpike." (No. 295.)

"An act to amend the act incorporating the Elk river bridge company." (No. 311.)

"An act to amend the act passed March 5th, 1846, entitled, 'an act to incorporate the Southside railroad company.'" (No. 290.)

And they have postponed, indefinitely, the bill entitled

"An act concerning volunteer companies." (No. 57.)

The following engrossed bills were on motions severally made, ordered to be laid upon the table, viz:

No. 328. An engrossed bill reviving the 2d section of an act, enti-

tled 'an act for printing records of causes in the court of appeals,' " passed March 24th, 1842.

No. 307. A bill to suspend the payment of interest on the loan to the Richmond medical college.

No. 373. A bill concerning the commissioners of the revenue.

No. 372. A bill concerning committees of estates of lunatics.

No. 375. A bill to incorporate the Clarksburg and Wheeling turnpike company.

No. 387. A bill amending the act, entitled "an act concerning delinquent and forfeited lands, and providing for the sale of lands returned delinquent hereafter for the nonpayment of taxes," passed March 10th, 1832.

No. 400. A bill for the relief of the Rappahannock company; and

No. 409. A bill to incorporate the Virginia and New York steam packet company.

The following engrossed bills were read a third time and passed:

No. 329. A bill to amend an act, passed March 13th, 1848, entitled "an act for the appointment and regulation of pilots on the Potomac river."

No. 330. A bill to authorize William Blackwell of the county of Fauquier, his executors, administrators and assigns, to extend the improvement of the Rappahannock river.

No. 331. A bill to change the place of holding a separate election in the counties of Clarke and Southampton.

No. 332. A bill to change the place of holding a separate election in the county of Smyth.

No. 333. A bill authorizing three separate elections in the county of Logan.

No. 334. A bill to change the place of holding a separate election in the county of Boone.

No. 335. A bill concerning the fire companies in the City of Wheeling.

No. 336. A bill concerning the sergeant of the town of Lynchburg.

No. 337. A bill to amend the act, entitled "an act reducing into one act the several acts providing for the poor and declaring who shall be deemed vagrants."

No. 338. A bill to incorporate the savings bank of Wheeling.

No. 341. A bill concerning Second Lieut. Robert F. Astrop.

No. 343. A bill to incorporate the Buchanan turnpike company.

No. 344. A bill directing to be constructed a bridge across Polk creek on the Staunton and Parkersburg road.

No. 348. A bill incorporating the Guyandotte navigation company.

No. 346. A bill to incorporate the Buckhannon and Little Kanawha turnpike company.

No. 347. A bill to relieve the inhabitants of the town of Bridgewater from the duty of working on public roads.

Ordered, That Mr. FERGUSON carry the said bills to the senate and request their concurrence.

Mr. STOVALL presented a supplemental statement of the receipts and expenditures of the state for the fiscal year 1849, and the amount of

improvement bills reported by the committee of roads and internal navigation, 1000 copies of which, on motion of Mr. SHEFFEY, were ordered to be printed. [Doc. No. 83.]

No. 307. An engrossed bill to suspend the payment of interest on the loan to the Richmond medical college was taken up on motion of Mr. MAYO, and the question being put upon its passage, was determined in the negative. Ayes 28, noes 63.

On motion of Mr. STOVALL, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Layne of Alleghany, Boisseau, Sheffey, Burwell, Byrne of Braxton, Lewis and Gilmer, De Camps, Moncure of Caroline, Irving of Cumberland, Segar, Stillman, Clopton, Guerrant, Howard of James City, York and Williamsburg, Harris, Arnett, Whittle, Gustin, Perrow, Yerby, Grasty, Mayo, Cook, Dorman, Pitman, Griffin, Burdett and Boyd—28.

NOES—Messrs. Finney, Cheatham, M'Cue, Byrd, Mitchell, Faulkner, Boak, Maclin of Brunswick, Kyle, Wills, Jones, Vaughan, Clarke, Thomas, M'Clung, Edwards, Wood, Synnor, Baily, Carroll, Price, Stovall, Allen, Boykin, Worthington, Houser, Tomlin, Webb, Lane of Lee, Ferguson, Harrison of Loudoun, Beard, Edmondson, Newman, M'Donald, Shepard, Coleman, Tanzey, Beirne of Monroe, Kilby, Butt, Cowper, Buswell, Turner, Hiner, Townes, Cackley, Fairfax, Herbert, Rives, Harrison of Prince William, Goff, Martz, Aston, Fugate, Thompson of Smyth, Conway, Moncure of Stafford, Hargrave, Nicholson, George, Harvey and Collins—63.

Resolved, That said bill be rejected.

A motion was made by Mr. SEGAR, that the engrossed bills be laid upon the table, to enable him to offer a resolution to rescind the resolution fixing to-morrow as the day for adjourning, and it was determined in the negative. Ayes 41, noes 57.

On motion of Mr. MONCURE of Stafford, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Smith, Layne of Alleghany, Cheatham, Sheffey, Byrd, Mitchell, De Camps, Moore, Wills, Irvine of Campbell, Lacy, Segar, M'Clung, Stillman, Stovall, Lancaster, Howard of James City, York and Williamsburg, Worthington, Ferguson, Beard, M'Donald, Clendenin, Beirne of Monroe, Kilby, Perrow, Robinson, Butt, Cowper, Pitts, Syme, Cackley, Goff, Strother, Cook, Paxton, Martz, Burdett, Goodson, Collins and Boyd—41.

NOES—Messrs. Hart, Watson, Boisseau, M'Cue, Faulkner, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, Maclin of Brunswick, Kyle, Moncure of Caroline, Jones, Barbour, Thomas, Edwards, Wood, Synnor, Baily, Clopton, Guerrant, Carroll, Allen, Hiatt, Bassell, Boykin, Thomson of Jefferson, Houser, Lane of Lee, White, Harrison of Loudoun, Harris, Newman, Shepard, Coleman, Whittle, Tanzey, Yerby, Buswell, Turner, Hiner, Townes, Grasty, Herbert, Rives, Harrison of Prince William, Mayo, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson and George—57.

No. 342. An engrossed bill directing the Board of public works to construct the Leading creek and German settlement turnpike road, was read a third time, and the question being put upon its passage, was determined in the negative. Ayes 38, noes 54.

On motion of Mr. Goff, the vote was recorded as follows:

Ayes—Messrs. Layne of Alleghany, M'Cue, Byrd, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Moore, Wills, M'Clung, Sydnor, Baily, Price, Allen, Bassel, Lancaster, Ferguson, Beard, Clendenin, Tanzey, Beirne of Monroe, Buswell, Hiner, Syme, Fairfax, Goff, Strother, Mayo, Cook, Dorman, Paxton, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Burdett, Collins and Boyd—38.

Noes—Messrs. Hopkins, (speaker,) Watson, Boisseau, Cheatham, Mitchell, Maclin of Brunswick, Kyle, Irvine of Campbell, Moncure of Caroline, Lacy, Jones, Barbour, Vaughan, Clarke, Thomas, Stillman, Claiborne, Edwards, Clopton, Guerrant, Carroll, Stovall, Hiatt, Mullins, Boykin, Howard of James City, York and Williamsburg, Worthington, Houser, Tomlin, Webb, Lane of Lee, Harrison of Loudoun, Harris, Edmondson, Newman, Shepard, Coleman, Whittle, Kilby, Butt, Yerby, Basye, Turner, Townes, Grasty, Herbert, Rives, Harrison of Prince William, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson and Harvey—54.

Resolved, That said bill be rejected.

No. 345. An engrossed bill to incorporate the Glenville turnpike company was read a third time, and the question being put upon its passage, was determined in the negative.

Resolved, That said bill be rejected.

No. 353. An engrossed bill to incorporate the Williamsport turnpike company was read a third time, and the question being put upon its passage, was determined in the affirmative. Ayes 47, noes 40.

On motion of Mr. Rives, the vote thereupon was recorded as follows:

Ayes—Messrs. Smith, Layne of Alleghany, M'Cue, Sheffey, Byrd, Mitchell, Burwell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Moore, Wills, Barbour, Segar, Thomas, M'Clung, Baily, Carroll, Price, Allen, Bassel, Worthington, Thomson of Jefferson, Ferguson, Harrison of Loudoun, M'Donald, Clendenin, Tanzey, Beirne of Monroe, Gustin, Pitts, Turner, Hiner, Syme, Townes, Cackley, Fairfax, Goff, Cook, Dorman, Aston, Fugate, Pitman, Thompson of Smyth, George, Collins and Boyd—47.

Noes—Messrs. Hopkins, (speaker,) Finney, Boisseau, Maclin of Brunswick, Kyle, Moncure of Caroline, Jones, Vaughan, Clarke, Stillman, Edwards, Sydnor, Clopton, Guerrant, Stovall, Boykin, Howard of James City, York and Williamsburg, Wallace, Houser, Tomlin, Webb, Lane of Lee, Harris, Edmondson, Newman, Shepard, Coleman, Whittle, Kilby, Butt, Cowper, Yerby, Grasty, Herbert, Rives, Harrison of Prince William, Griffin, Hargrave, Nicholson and Harvey—40.

The following engrossed bills were read a third time and passed, viz:

No. 350. A bill to authorize Charles B. Penn of the county of Boteourt, to establish a ferry or bridge across the James river.

No. 351. A bill to incorporate the Hampshire and Morgan turnpike company.

No. 352. A bill directing an additional subscription on behalf of the commonwealth to the capital stock of the Charleston and Point Pleasant turnpike company.

No. 354. A bill authorizing Levi Low of the county of Monongalia, to increase the height of his dam.

No. 355. A bill to incorporate the Sweet and Salt Sulphur springs turnpike company.

No. 356. A bill to amend the act, entitled "an act to incorporate the Thornton's gap turnpike company," passed January 19th, 1848, and for other purposes.

No. 358. A bill to incorporate the Union manufacturing company, and also the Jefferson steel and file manufacturing company.

No. 361. A bill to extend the corporate limits of the town of Petersburg.

No. 362. A bill prohibiting the brands used by one manufacturer of tobacco from being used by another.

No. 365. A bill to amend the act incorporating the Jacksonville academy.

No. 366. A bill to increase the state's subscription to the capital stock of the Hardy and Winchester turnpike company.

No. 368. A bill directing an increase of the state's subscription to the capital stock of the Giles, Fayette and Kanawha turnpike company.

No. 369. A bill incorporating the Albemarle and Nelson mining and smelting company.

No. 370. A bill providing for the reception of insane persons of the naval service and marine corps of the United States into the Eastern lunatic asylum.

No. 371. A bill releasing the commonwealth's right to a certain house and lot therein mentioned to Martha W. Gayle.

Ordered, That Mr. BASSEL carry the said bills to the senate and request their concurrence.

No. 359. An engrossed bill to appoint an agricultural chemist and mineralogist for the state of Virginia, was read a third time; thereupon a motion was made by Mr. BURDETT, that the further consideration thereof be indefinitely postponed, and it was determined in the negative. Ayes 30, noes 70.

On motion of Mr. SHEFFEX, the vote thereupon was recorded as follows:

AYES—Messrs. Maclin of Brunswick, Kyle, Clarke, M'Clung, Baily, Stovall, Allen, Howard of James City, York and Williamsburg, Houser, Tomlin, Webb, Lane of Lee, Ferguson, Edmondson, Newman, Shepard, Tanzey, Gustin, Hiner, Cackley, Rives, Harrison of Prince William, Aston, Fugate, Sibert, Griffin, Hargrave, Burdett, George and Collins—30.

NOES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, Boisseau, Cheatham, M'Cue, Sheffey, Byrd, Mitchell, Faulkner, Boak, Hudson, De Camps, Wills, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Vaughan, Segar, Thomas, Scott, Rector, Stillman, Edwards, Wood, Sydnor, Clopton, Guerrant, Price, Darracott, Bassel, Boykin, Worthington, Thomson of Jefferson, Wallace, White, Harrison of Loudoun, Beard, Harris, M'Donald, Clendenin, Coleman, Kilby, Perrow, Butt, Cowper, Yerby, Booth, Pitts, Pannill, Syme, Townes, Grasty, Fairfax, Herbert, Goff, Strother, Cook, Dorman, Pitman, Thompson of Smyth, Conway, Moncure of Stafford, Nicholson, Harvey and Boyd—70.

The said bill contained a clause for the salary of the said chemist, of dollars. A motion was made by Mr. PANNILL to fill

the said blank with the words "three thousand;" a motion was made by Mr. LANE of Lee to fill the same with the words "fifteen hundred;" and a motion was made by Mr. HINER to fill the same with the words "one thousand;" and the question being put upon the largest sum, was determined in the affirmative. Ayes 48, noes 43.

On motion of Mr. LANE of Lee, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Hart, Watson, Smith, Cheatham, M'Cue, Sheffey, Faulkner, Boak, Moore, Wills, Irvine of Campbell, Cardwell, Jones, Vaughan, Segar, Stillman, Guerrant, Price, Stovall, Darracott, Worthington, Thomson of Jefferson, Wallace, Tomlin, White, Harrison of Loudoun, Beard, Harris, Clendenin, Gustin, Perrow, Yerby, Pitts, Pannill, Syme, Townes, Grasty, Herbert, Goff, Strother, Cook, Dorman, Thompson of Smyth, Conway, Moncure of Stafford, Harvey and Boyd—48.

NOES—Messrs. Finney, Byrd, Maclin of Brunswick, Kyle, Barbour, Clarke, Thomas, Rector, M'Clung, Edwards, Sydnor, Baily, Carroll, Allen, Bassel, Houser, Webb, Lane of Lee, Ferguson, Newman, Shepard, Tanzey, Beirne of Monroe, Butt, Cowper, Booth, Buswell, Turner, Hiner, Cackley, Fairfax, Rives, Harrison of Prince William, Aston, Fugate, Pitman, Sibert, Griffin, Hargrave, Burdett, George, Goodson and Collins—43.

Further blanks were filled, and the question being put upon the passage of the bill was determined in the affirmative. Ayes 58, noes 37.

On motion of Mr. HINER, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Hart, Watson, Smith, Cheatham, M'Cue, Sheffey, Mitchell, Faulkner, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, Moore, Wills, Irvine of Campbell, Jones, Barbour, Irving of Cumberland, Vaughan, Segar, Thomas, Rector, Stillman, Sydnor, Guerrant, Price, Darracott, Boykin, Worthington, Thomson of Jefferson, White, Harrison of Loudoun, Beard, Harris, M'Donald, Clendenin, Coleman, Perrow, Cowper, Yerby, Booth, Pitts, Pannill, Turner, Syme, Townes, Grasty, Herbert, Goff, Strother, Cook, Dorman, Paxton, Thompson of Smyth, Conway, Moncure of Stafford, Harvey and Boyd—58.

NOES—Messrs. Finney, Byrd, Maclin of Brunswick, Kyle, Cardwell, Clarke, M'Clung, Edwards, Baily, Carroll, Stovall, Allen, Houser, Tomlin, Webb, Lane of Lee, Ferguson, Newman, Shepard, Tanzey, Gustin, Butt, Buswell, Hiner, Cackley, Rives, Harrison of Prince William, Aston, Fugate, Pitman, Sibert, Griffin, Hargrave, Nicholson, Burdett, George and Goodson—37.

Ordered, That Mr. BASSEL carry the same to the senate and request their concurrence.

No. 367. An engrossed bill to macadamize the Fishing creek and Ice's ferry road, was read a third time, and the question being put upon its passage, was determined in the negative.

Resolved, That said bill be rejected.

The following engrossed bills were also read a third time and passed, viz:

No. 374. A bill to incorporate the Wellsburg and Bethany turnpike company.

No. 376. A bill to incorporate the Dismal and Walker's creek iron manufacturing company, in the county of Giles.

No. 379. A bill changing the place of holding a separate election in the county of Botetourt.

No. 381. A bill authorizing a separate election at the house of Jesse Hall in the county of Harrison.

No. 383. A bill concerning Elizabeth C. Finney and her children.

No. 384. A bill concerning John Tatsapaugh of the town of Alexandria.

No. 385. A bill to incorporate the Kanawha telegraph company.

No. 388. A bill to authorize a portion of the trust fund held by James B. Ferrell for the benefit of Piety Dunman and her children, to be invested in real estate.

No. 390. A bill providing for the election of trustees for the town of Hampton in the county of Elizabeth City, and vesting them with corporate powers, and for other purposes.

No. 391. A bill to extend the limits of and provide for electing trustees for the town of Marion in the county of Smyth, and vesting them with corporate powers.

No. 392. A bill to incorporate the Baltimore, Norfolk and Petersburg steamboat company.

No. 393. A bill to incorporate the Glenville and Charleston turnpike company.

No. 395. A bill incorporating the Berkeley and Jefferson turnpike company.

No. 396. A bill to increase the capital stock of the Weston and Fairmont turnpike company.

No. 399. A bill to incorporate the Fredericksburg and Blue Ridge steamboat company ; and

No. 401. A bill for the relief of Wilson Anderson.

Ordered, That Mr. PIRTS carry the said bills to the senate, and request their concurrence.

The following engrossed bills were also read a third time and passed, viz :

No. 403. A bill to incorporate the Morgantown and Bridgeport turnpike company.

No. 404. A bill incorporating the Orlean and Salem turnpike.

No. 405. A bill incorporating the Warrenton and Rappahannock turnpike company.

No. 406. A bill concerning Capts. Browning and Glenn of the revolutionary war.

No. 407. A bill concerning John D. Thomasson, commissioner of the revenue for the county of Wirt.

No. 410. A bill changing the time of holding the county court of Clarke county for the month of June.

No. 412. A bill to provide for electing trustees of the town of Clarksburg in the county of Harrison, and vesting them with corporate powers.

No. 413. A bill to amend an act to incorporate the Front Royal turnpike company.

No. 415. A bill to incorporate the Grindstone Hill mining company ; and

No. 417. A bill concerning William F. Lemosy.

Ordered, That the clerk communicate the said bills to the senate, and request their concurrence.

The **SPEAKER** laid before the house the following communication, which was read :

RICHMOND, March 14, 1849.

The Hon. HENRY L. HOPKINS,
Speaker of the House of Delegates.

SIR,—I hereby respectfully resign my office of delegate from the counties of Bath and Highland, to take effect from and after the 19th of the present month.

A. H. BYRD.

On motion of Mr. LAYNE of Alleghany,

Resolved, That the **SPEAKER** issue writs of election to the sheriffs of Bath and Highland counties, to supply the vacancy occasioned by the resignation of Andrew H. Byrd, Esq., the delegate from said counties.

The following engrossed bills were read a third time, and the questions being put upon their passage, were severally determined in the negative, and said bills were rejected, viz :

No. 394. A bill in relation to the Richmond and Petersburg railroad company.

No. 397. A bill to incorporate the Short creek turnpike company ; and

No. 398. A bill to incorporate the Martinsburg and Potomac turnpike company.

A motion was made by Mr. SEGAR, that the engrossed bills be laid upon the table for the purpose of submitting a resolution, and it was determined in the affirmative. Ayes 59, noes 41.

On motion of Mr. RIVES, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Smith, Layne of Alleghany, Cheatham, Sheshey, Mitchell, Faulkner, Boak, De Camps, Moore, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Irving of Cumberland, Segar, Rector, M'Clung, Stillman, Claiborne, Guerrant, Carroll, Price, Stovall, Darracott, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Tomlin, Ferguson, White, Beard, Newman, M'Donald, Clendenin, Whittle, Beirue of Monroe, Gustin, Kilby, Perrow, Butt, Cowper, Pitts, Buswell, Cackley, Fairfax, Goff, Strother, Cook, Dorman, Paxton, Martz, Harper, Fugate, Pitman, Burdett, Goodson, Collins and Boyd—59.

NOES—Messrs. Finney, Hart, Watson, Boisseau, M'Cue, Byrne of Braxton, Lewis and Gilmer, Kyle, Jones, Barbour, Vaughan, Clarke, Thomas, Edwards, Sydnor, Baily, Clopton, Boykin, Webb, Lane of Lee, Harris, Shepard, Tanzey, Yerby, Turner, Hiner, Syme, Grasty, Herbert, Rives, Harrison of Prince William, Mayo, Aston, Sibert, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson, George and Harvey—41.

Mr. SEGAR then submitted the following resolution ?

Resolved by the general assembly, That the joint order for adjournment on the 15th instant, be postponed until Monday next the 19th instant.

A motion was then made by Mr. SEGAR that the main question be now put, and it was determined in the affirmative. Ayes 91, noes 7.

On motion of Mr. RIVES, the vote was recorded as follows :

AYES—Messrs. Finney, Hart, Watson, Smith, Layne of Alleghany, Boisseau, Cheatham, Sheffey, Mitchell, Faulkner, Hudson, Byrne of Braxton, Lewis and Gilmer, De Camps, Kyle, Moore, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Vaughan, Segar, Clarke, Thomas, Rector, M'Clung, Stillman, Claiborne, Sydnor, Baily, Clopton, Guerrant, Carroll, Price, Stovall, Allen, Hiatt, Darracott, Boykin, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Tomlin, Webb, Lane of Lee, Ferguson, White, Beard, Harris, Newman, M'Donald, Shepard, Clendenin, Whittle, Tanzey, Beirne of Monroe, Gustin, Kilby, Perrow, Butt, Yerby, Booth, Pitts, Buswell, Turner, Hiner, Syme, Grasty, Cackley, Fairfax, Goff, Strother, Mayo, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Conway, Moncure of Stafford, Nicholson, Burdett, George, Goodson, Harvey, Collins and Boyd—91.

NOES—Messrs. Hopkins, (speaker,) M'Cue, Jones, Edwards, Herbert, Rives, and Harrison of Prince William—7.

The question recurred upon the adoption of the resolution, and was determined in the affirmative. Ayes 58, noes 41.

On motion of Mr. RIVES, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Smith, Layne of Alleghany, Cheatham, M'Cue, Sheffey, Mitchell, Faulkner, Boak, De Camps, Moore, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Irving of Cumberland, Segar, Rector, M'Clung, Stillman, Claiborne, Baily, Guerrant, Carroll, Price, Stovall, Darracott, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Tomlin, Ferguson, White, Beard, M'Donald, Clendenin, Whittle, Beirne of Monroe, Gustin, Perrow, Cowper, Pitts, Buswell, Cackley, Fairfax, Goff, Strother, Mayo, Cook, Dorman, Paxton, Martz, Harper, Pitman, Burdett, Goodson, Collins and Boyd—58.

NOES—Messrs. Finney, Hart, Watson, Boisseau, Hudson, Kyle, Jones, Barbour, Vaughan, Clarke, Thomas, Edwards, Sydnor, Clopton, Boykin, Houser, Webb, Lane of Lee, Harris, Newman, Shepard, Tanzey, Yerby, Turner, Hiner, Syme, Grasty, Herbert, Rives, Harrison of Prince William, Aston, Fugate, Sibert, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson, George and Harvey—41.

Ordered, That Mr. WHITTLE carry the same to the senate and request their concurrence.

A motion was made by Mr. DORMAN, that the house adopt the following resolution :

Resolved by the general assembly, That the governor of this commonwealth be and he is hereby authorized to have made for the public service, shot and shells to an amount not exceeding in value the sum of one thousand dollars.

On motion of Mr. SYME,

Ordered, That the resolution be laid upon the table.

A message was received from the senate by Mr. BARBEE, who informed the house that the senate had postponed indefinitely the resolution for rescinding the joint order for the adjournment of the general assembly on the 15th instant.

No. 402. An engrossed bill concerning John M. Seely, was read a third time ; thereupon Mr. MAYO submitted a ryder, which was twice read and forthwith engrossed, and the bill and ryder was passed.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

No. 414. An engrossed bill to incorporate the Castleman tollbridge company, was, on motion of Mr. THOMAS, ordered to be laid upon the table.

No. 416. An engrossed bill to authorize the president and directors of the Farmers Bank of Virginia to increase the capital of the branch of said bank at Wytheville, was read a third time, and the question being put upon its passage, was determined in the affirmative. Ayes 49, noes 33.

On motion of Mr. HARRISON of Prince William, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, Boisseau, M'Cue, Sheffey, Mitchell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Wills, Lacy, Segar, Clarke, Thomas, Rector, M'Clung, Stillman, Price, Howard of James City, York and Williamsburg, Worthington, Ferguson, White, Beard, Clendenin, Gustin, Kilby, Perrow, Robinson, Cowper, Yerby, Basye, Booth, Pitts, Turner, Syme, Fairfax, Goff, Strother, Mayo, Cook, Dorman, Aston, Thompson of Smyth, Burdett, George and Boyd—49.

NOES—Messrs. De Camps, Moncure of Caroline, Jones, Vaughan, Edwards, Sydnoor, Clopton, Guerrant, Stovall, Allen, Hiatt, Houser, Tomlin, Lane of Lee, Harris, Newman, M'Donald, Coleman, Whittle, Tanzey, Butt, Buswell, Hiner, Grasty, Herbert, Rives, Harrison of Prince William, Harper, Sibert, Conway, Moncure of Stafford, Hargrave and Nicholson—33.

Ordered, That the clerk communicate said bill to the senate and request their concurrence.

On motion of Mr. SYME, the house adjourned until to-morrow 10 o'clock.

THURSDAY, MARCH 15, 1849.

Prayer by the Rev. ADAM EMPIE, of the Episcopal church.

A communication from the senate, by their clerk, was read as follows:

IN SENATE, MARCH 14, 1849.

The senate have passed the bills, entitled

"An act establishing free schools, in the county of Albemarle." (No. 279.)

"An act concerning John M. Fergusson, sergeant and jailor of the City of Richmond." (No. 299.)

"An act to exempt a company in the 107th regiment, from attending the regimental muster of said regiment." (No. 294.)

"An act changing the time of holding the spring term of Chesterfield circuit court." (No. 494.)

"An act concerning Abby B. Hopkins and children." (No. 296.)

"An act authorizing the sale of a tract of land devised by Harry Smith of Rockingham county, to his daughter Elizabeth and her children." (No. 322.)

"An act concerning criminal prosecutions in the City of Richmond." (No. 302.)

"An act making further provision for the support of primary district free schools." (No. 516.)

"An act to permit Robert Walsh and the heirs of Anna M. Walsh to pay taxes on certain lands." (No. 318.)

"An act to incorporate the Rich Patch turnpike company." (No. 303.)

"An act authorizing three separate elections in the county of Logan." (No. 333.)

"An act to change the place of holding a separate election in the county of Boone." (No. 334.)

"An act to change the place of holding a separate election in the counties of Clarke and Southampton." (No. 331.)

"An act concerning Charles Lovelace, jailor of the county of Pittsylvania." (No. 324.)

"An act to incorporate the savings banks of Wheeling," (No. 338;) and

"An act concerning the fire companies of the City of Wheeling."

They have also passed the bills, entitled

"An act for the relief of Richard Gregory." (No. 321.)

"An act incorporating the Albemarle and Nelson mining and smelting company." (No. 369.)

"An act to establish a branch bank at Fincastle in the county of Botetourt, or Salem in the county of Roanoke," (No. 120;) and

"An act to incorporate the Norfolk and Western railroad company," (No. 313,) with amendments, in which they request the concurrence of the house of delegates.

They have rejected the bills, entitled

"An act refunding to Anthony Loftus, certain fines imposed by the circuit superior court of law and chancery for Monongalia county," (No. 323;) and

"An act directing to be constructed a bridge across Polk creek, on the Staunton and Parkersburg road." (No. 344.)

And they have postponed indefinitely the bills, entitled

"An act directing surveys and estimates for a railroad from New Market in Shenandoah, to the town of Parkersburg on the Ohio river." (No. 271.)

"An act for the survey of routes for a railroad, from the Louisa railroad to the Lynchburg and Tennessee railroad, and for other purposes," (No. 246;) and

"An act increasing the salaries of the commissioners of the revenue for the towns of Norfolk and Petersburg." (No. 319.)

Their committee appointed to examine enrolled bills, have examined sundry such bills, which being found truly enrolled, have been signed by their speaker, and are herewith returned to the house of delegates.

The said amendments being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

On motion of Mr. HARRISON of Loudoun,

Ordered, That the select committee be discharged from the consi-

deration of the informal returns of votes for president and vice president of the United States, and the same were ordered to be laid upon the table.

On motion of Mr. JONES,

Ordered, That the committee of propositions and grievances be discharged from the consideration of the petitions of Charles A. Alexander and others; of the citizens of the town of Mount Solon; of citizens of the county of Doddridge, for a separate election; of J. B. Westlake; of citizens of the county of Southampton for a separate election; of citizens of the county of Taylor for a separate election; of citizens of the counties of Wood, Ritchie and Tyler, for a new county; of citizens of Ritchie county, remonstrating against the said new county; of Franklin Lodge No. 13 of Independent Order of Odd Fellows; of citizens of the county of Loudoun; of Sons of Temperance, Division 78 of the town of Point Pleasant; of citizens of the county of Botetourt and town of New Castle; of the Independent Order of Odd Fellows, and Pendleton and Abner Clopton Division of Sons of Temperance; of citizens of the county of Wayne, to change the boundary line of the county; of citizens of Preston county to establish the town of Fellowsville; of John E. Lewis and others, a committee of Springs division No. 104 Sons of Temperance; of the Tazewell Sons of Temperance Division No. 105; of Edward C. Mayo; of citizens of the City of Wheeling, for authority to subscribe to certain railroads; of citizens of the county of Fauquier, for a separate election; of citizens of Elizabeth City and Warwick, relative to oysters; and of citizens of the village of Salem; and the said petitions were ordered to be laid upon the table.

Mr. JONES, from the same committee, presented reports upon the petitions of citizens of the county of Washington for a separate election.

Mr. JONES also announced that the said committee had no further occasion for a clerk, and that officer was ordered to be discharged accordingly.

On motion of Mr. DORMAN, the report of the committee for courts of justice and the communication of Walter Bowen, relative to the pardon of John J. Johnston, were taken up and ordered to be committed to the same committee.

Mr. STOVALL submitted the following resolution, which, on his motion, was ordered to be laid upon the table:

Resolved by the general assembly, That whenever a subscription to the capital stock of any joint stock company has been or shall be, by law, authorized to be made on behalf of the commonwealth, whether such company be now or shall be hereafter incorporated, the said joint stock company shall forfeit the right to the commonwealth's subscription, if it shall, after the passage of the law authorizing the subscription, and before the commonwealth shall be represented in the board of directors, by directors lawfully appointed on her behalf, proceed to locate or enter into contracts, for the construction of its improvement. And if any such company shall so proceed, no subscription shall be made on behalf of the commonwealth, or if made, shall be by such

act of the company rendered void, and the commonwealth shall be released from all the obligation of a stockholder.

Mr. LAYNE of Alleghany submitted the following resolution, which, on motion of Mr. SHEPARD, was ordered to be laid upon the table, viz :

Resolved by the general assembly, That the proxies appointed to represent the state's interest in the James river and Kanawha company at the next general meeting of the stockholders, be and they are hereby instructed to nominate and support for the presidency of the company Joseph C. Cabell, Esq., of Nelson.

On motion of Mr. WATSON the rule of the house was suspended, and the vote rejecting the engrossed bill to incorporate the Martinsburg and Potomac turnpike company, (No. 398,) was reconsidered; said bill was then passed.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

A message was received from the senate by Mr. KINNEY, who informed the house that the senate had adopted a resolution in which they requested the concurrence of the house of delegates.

The said resolution was read as follows :

Resolved, That the house of delegates be respectfully requested to return to the senate the resolution rescinding the resolution adopted for an adjournment of the general assembly on this day, and proposing to adjourn on Monday 19th instant, and which was indefinitely postponed on yesterday by the senate.

And the question being put thereupon, was determined in the affirmative.

Ordered, That Mr. SYME carry the said resolution to the senate.

No. 428. An engrossed bill, directing that the papers in the suit of Crolly and M'Keon against the president and directors of the Northwestern turnpike company, be transferred to the clerk of the circuit superior court of law and chancery for the county of Harrison, was, on motion of Mr. MARTZ, ordered to be laid upon the table.

No. 440. An engrossed bill to amend the act, entitled "an act to incorporate the Whitehall mining company," passed April 4th, 1848, was read a third time; thereupon, a clause by way of ryder thereto was submitted by Mr. MONCURE of Stafford, which was twice read and forthwith engrossed and read a third time; and the bill and ryder were passed, and the title being amended on his motion by adding thereto the words "and for other purposes," was, as amended, agreed to.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

The following engrossed bills were read a third time and passed, viz :

No. 418. A bill to incorporate the Virginia navigation company of Norfolk.

No. 419. A bill to authorize county courts to establish public landings, with restrictions upon the public use thereof.

No. 420. A bill changing the names of Fleming and Friendless Blood to that of Meredith.

No. 421. A bill concerning Robert Ratcliffe, commissioner of the revenue for the county of Fairfax.

No. 422. A bill concerning Joseph Remley of the county of Greenbrier.

No. 423. A bill to amend the act incorporating the Blue Ridge turnpike company.

No. 424. A bill concerning the Little Kanawha bridge company.

No. 425. A bill incorporating the Logan, Raleigh and Monroe turnpike company.

No. 426. A bill increasing the compensation of the commissioners of the revenue for the counties of Roanoke and Jefferson.

No. 430. A bill concerning the sergeant of the town of Lynchburg.

No. 433. A bill to incorporate the Lynchburg hose and fire insurance company.

No. 434. A bill to authorize Tyre Black, of Wayne county, to establish a ferry across the Sandy river.

No. 435. A bill to incorporate the Farmers, Planters and Mechanics savings bank of Bedford.

No. 436. A bill to incorporate the Abingdon savings bank.

No. 437. A bill to incorporate the Citizens savings bank in the town of Liberty.

No. 438. A bill concerning the annual meetings of school commissioners.

No. 439. A bill to apportion the school quotas between the counties of Campbell and Appomattox.

No. 441. A bill to incorporate the Chesapeake steamboat company.

No. 443. A bill to declare Sancho creek in the county of Tyler a public highway; and

No. 445. A bill providing for the completion of the Little Stone gap road.

Ordered, That the clerk communicate said bills to the senate and request their concurrence.

No. 447. A bill for the relief of William W. Jones of the county of Spottsylvania, was on motion of Mr. FERGUSON ordered to be laid upon the table.

The following engrossed bills were read a third time and passed :

No. 448. A bill concerning oysters in Nansemond county.

No. 451. A bill to incorporate the Lynchburg female orphan asylum.

No. 454. A bill to authorize Braxton Garlick of the county of New Kent to construct a wharf on the Pamunkey river.

No. 455. A bill concerning masters and apprentices in the county of Alexandria.

No. 456. A bill concerning William Ayres of the county of Patrick.

No. 458. A bill concerning the bridge across Jackson's river at Covington.

No. 461. A bill conferring additional power on the trustees of the town of Charlottesville.

No. 462. A bill to incorporate the Union hotel company in the town of Winchester in the county of Frederick.

No. 464. A bill amending an act to incorporate the Smith's river navigation company, passed March 24, 1848.

No. 466. A bill incorporating the Neotrophian society of Bethany college.

No. 467. A bill to incorporate the Wesleyan female institute in the town of Staunton.

No. 468. A bill authorizing the county court of Prince William to reassess the land now owned by Richard C. Mackall, on which the Sudley mills are situated.

No. 470. A bill to incorporate the Franklin savings bank of the City of Richmond.

No. 469. A bill to incorporate the Buffalo academy in the county of Putnam.

No. 471. A bill amending the charter of the Piedmont mining company.

No. 472. A bill divorcing Nancy Peyton from her husband Valentine Peyton.

No. 473. A bill incorporating the Virginia telegraph company.

No. 474. A bill annexing to the county of Braxton a part of the county of Randolph.

No. 475. A bill for the relief of Henry Gordon, deputy for Charles Selden, late sheriff of the county of Powhatan; and

No. 476. A bill to authorize Robert P. Waring of Essex county to charge wharfage at his wharf on the Rappahannock river.

Ordered, That the clerk communicate said bills to the senate, and request their concurrence.

Mr. STILLMAN, from the committee to examine enrolled bills, reported sundry other bills as truly enrolled.

Ordered, That Mr. STILLMAN carry the same to the senate for further examination.

No. 444. An engrossed bill concerning the debt to the Board of public works, due from the trustees of the town of Portsmouth on account of the purchase of the Seaboard and Roanoke railroad, was read a third time, amended on motion of Mr. SHEFFEY, by way of ryder, and as amended passed. Ayes 54, noes 31.

On motion of Mr. HARRISON of Prince William, the vote thereupon was recorded as follows:

AYES—Messrs. Hart, Smith, Layne of Alleghany, M'Cue, Sheffey, Mitchell, Burwell, Faulkner, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, Kyle, Moore, Wills, Irvine of Campbell, Irving of Cumberland, Segar, Rector, Stillman, Wood, Sydnor, Baily, Allen, Hiatt, Boykin, Ferguson, White, Arnett, Clendenin, Gustin, Kilby, Perrow, Robinson, Butt, Cowper, Pannill, Buswell, Cackley, Fairfax, Herbert, Goff, Cook, Dorman, Paxton, Martz, Harper, Fugate, Pitman, Sibert, Thompson of Smyth, Burdett, Goodson, Collins and Boyd—54.

NOES—Messrs. Finney, Watson, Boisseau, Moncure of Caroline, Lacy, Jones, Barbour, Vaughan, Clarke, Edwards, Clopton, Houser, Tomlin, Webb, Lane of Lee, Harrison of Loudoun, Harris, Newman, Shepard, Coleman, Whittle, Yerby, Booth, Syme, Townes, Grasty, Rives, Harrison of Prince William, Moncure of Stafford, Hargrave and Nicholson—31.

No. 446. An engrossed bill to aid the Chesapeake and Ohio canal company in certain repairs of their work, was read a third time, amended on motion of Mr. FAULKNER, by way of ryder, and as amended

passed; and the title was amended on motion of Mr. SMITH, by adding thereto the words "and for other purposes," and as amended it was agreed to.

No. 449. An engrossed bill to authorize a separate election at Rocklick schoolhouse, in the county of Marshall, was read a third time, amended on motion of Mr. COOK, by way of ryder, and as amended passed; and the title being amended on his motion, by adding thereto the words "and for other purposes," was as amended agreed to.

Ordered, That the clerk communicate said bills to the senate, and request their concurrence.

A message was received from the senate by Mr. CRUMP, who informed the house that the senate agreed to the resolution for postponing the adjournment of the general assembly, with an amendment, in which they requested the concurrence of the house of delegates.

The said amendment being read, was agreed to, and it was ordered that Mr. STOVALL inform the senate thereof.

No. 387. An engrossed bill amending the act, entitled "an act concerning delinquent and forfeited lands, and providing for the sale of lands returned delinquent hereafter for the nonpayment of taxes," passed March 10th, 1832, was taken up on motion of Mr. M'CUE, and a ryder thereto was submitted by him; thereupon, on motion of Mr. STOVALL, the further consideration of said bill and ryder was postponed indefinitely.

Resolved, That said bill be rejected.

No. 452. An engrossed bill increasing the compensation of the commissioner of the revenue for the upper district in the county of Nansemond, was read a third time, and the question being put upon its passage, was determined in the negative.

Resolved, That said bill be rejected.

No. 457. An engrossed bill to authorize a subscription for the commonwealth to the capital stock of the Fauquier and Alexandria turnpike company, was read a third time, and the question being put upon its passage, was determined in the negative. Ayes 23, noes 50.

On motion of Mr. JONES, the vote thereupon was recorded as follows:

AYES—Messrs. Smith, Layne of Alleghany, Cheatham, M'Cue, Mitchell, Byrne of Braxton, Lewis and Gilmer, Moore, Wills, Thomas, Scott, Rector, Carroll, Allen, Ferguson, Arnett, Clendenin, Tanzey, Robinson, Cackley, Goff, Thompson of Smyth, Burdett and Boyd—23.

NOES—Messrs. Hopkins, (speaker,) Finney, Watson, Sheffey, De Camps, Kyle, Lacy, Jones, Vaughan, Segar, Clarke, Stillman, Edwards, Wood, Synnor, Clopton, Guerrant, Stovall, Darracott, Bassel, Boykin, Howard of James City, York and Williamsburg, Worthington, Wallace, Houser, Tomlin, Webb, White, Harris, Newman, M'Donald, Coleman, Kilby, Perrow, Yerby, Pitts, Pannill, Syme, Townes, Grasty, Rives, Mayo, Dorman, Pitman, Sibert, Conway, Moncure of Stafford, Hargrave, Nicholson and Collins—50.

Resolved, That said bill be rejected.

A motion was made by Mr. WHITE to suspend the rule for the purpose of reconsidering the vote by which said bill was rejected, and it was determined in the negative. Ayes 20, noes 54.

On motion of Mr. FINNEY, the vote was recorded as follows:

AYES—Messrs. Smith, Layne of Alleghany, Wills, Segar, Thomas, Scott, Rector, Beard, Arnett, Clendenin, Gustin, Cackley, Fairfax, Goff, Cook, Dorman, Sibert, Thompson of Smyth, Burdett and Boyd—20.

NOES—Messrs. Hopkins, (speaker,) Finney, Watson, Boisseau, M'Cue, Shaffey, De Camps, Kyle, Moncure of Caroline, Lacy, Jones, Vaughan, Stillman, Edwards, Wood, Sydnor, Clopton, Guerrant, Hiatt, Bassel, Boykin, Howard of James City, York and Williamsburg, Worthington, Wallace, Houser, Tomlin, Lane of Lee, White, Harrison of Loudoun, Harris, Newman, M'Donald, Shepard, Coleman, Tanzey, Kilby, Perrow, Robinson, Butt, Yerby, Pitts, Pannill, Buswell, Syme, Townes, Grasty, Rives, Aston, Fugate, Pitman, Conway, Moncure of Stafford, Hargrave and Nicholson—54.

No. 459. An engrossed bill to aid the Norfolk seaman's friend society, was, on motion of Mr. WATSON, ordered to be laid upon the table.

No. 463. An engrossed bill incorporating the Junction valley turnpike company was read a third time, and the question being put upon its passage, was determined in the affirmative. Ayes 55, noes 30.

On motion of Mr. HARRISON of Prince William, the vote was recorded thereupon as follows:

AYES—Messrs. Watson, Smith, Layne of Alleghany, Cheatham, M'Cue, Shaffey, Burwell, Faulkner, Hudson, Byrne of Braxton, Lewis and Gilmer, Moore, Wills, Segar, Thomas, Scott, Rector, Wood, Sydnor, Baily, Carroll, Allen, Hiatt, Bassel, Worthington, Ferguson, White, Harrison of Loudoun, Beard, Harris, Arnett, Clendenin, Tanzey, Beirne of Monroe, Gustin, Perrow, Pitts, Pannill, Buswell, Syme, Townes, Cackley, Goff, Strother, Cook, Dorman, Paxton, Martz, Aston, Pitman, Sibert, Thompson of Smyth, Burdett, George, Collins and Boyd—55.

NOES—Messrs. Hopkins, (speaker,) Finney, Boisseau, Mitchell, De Camps, Kyle, Moncure of Caroline, Lacy, Jones, Vaughan, Clarke, Stillman, Edwards, Clopton, Stovall, Boykin, Wallace, Houser, Tomlin, Webb, Newman, Shepard, Coleman, Yerby, Grasty, Rives, Harrison of Prince William, Moncure of Stafford, Hargrave and Nicholson—30.

Ordered, That the clerk communicate said bill to the senate and request their concurrence.

On motion of Mr. THOMAS, the house adjourned until to-morrow 10 o'clock.

FRIDAY, MARCH 16, 1849.

Prayer by the Rev. JOHN JOHNS of the Episcopal church.

A communication from the senate by their clerk was read as follows:

IN SENATE, MARCH 15, 1849.

The senate have passed the bills, entitled

"An act to provide for constructing a road across the Blue Ridge, between Madison and Page counties." (No. 317.)

"An act to authorize William Blackwell, of the county of Fau-

quier, his heirs, executors, administrators and assigns, to extend the improvement of the Rappahannock river." (No. 330.)

"An act to incorporate the Buchanan turnpike company." (No. 343.)

"An act appropriating the public revenue." (No. 126.)

"An act to increase the state subscription to the capital stock of the Hardy and Winchester turnpike company." (No. 366.)

"An act to incorporate the Buckhannon and Little Kanawha turnpike company." (No. 346.)

"An act directing additional subscription on behalf of the commonwealth to the capital stock of the Charleston and Point Pleasant turnpike company." (No. 352.)

"An act to incorporate the Williamsport turnpike company." (No. 353.)

"An act to incorporate the Sweet and Salt Sulphur springs turnpike company." (No. 355.)

"An act to amend the act, entitled 'an act to incorporate the Thornton's gap turnpike company,' passed January 19th, 1848, and for other purposes." (No. 356.)

"An act directing an increase of the state's subscription to the capital stock of the Giles, Fayette and Kanawha turnpike company." (No. 368.)

"An act to amend the act incorporating the Jacksonville academy." (No. 365.)

"An act to incorporate the Wellsburg and Bethany turnpike company." (No. 374.)

"An act to incorporate the Glenville and Charleston turnpike company." (No. 393.)

"An act to incorporate the Dismal and Walker's creek iron manufacturing company in the county of Giles." (No. 376.)

"An act for the relief of Wilson Anderson." (No. 401.)

"An act to authorize a portion of the trust fund held by James B. Ferrell, for the benefit of Piety Dunman and her children, to be invested in real estate." (No. 388.)

"An act to increase the capital stock of the Weston and Fairmont turnpike company." (No. 396.)

"An act to incorporate the Kanawha telegraph company." (No. 385.)

"An act to authorize a separate election at the house of Jesse Hall in the county of Harrison." (No. 381.)

"An act to amend an act passed March 13th, 1848, entitled 'an act for the appointment and regulation of pilots on the Potomac river.'" (No. 329.)

"An act concerning the sergeant of the town of Lynchburg." (No. 336.)

"An act to amend the act, entitled 'an act reducing into one act the several acts providing for the poor, and declaring who shall be deemed vagrants.'" (No. 337.)

"An act for the gradual redemption of the public debt." (No. 125.)

"An act to incorporate the Monroe savings bank in the town of Union." (No. 326.)

"An act to incorporate a branch bank at Jeffersonville in the county of Tazewell." (No. 325.)

"An act to incorporate the Hampshire and Morgan turnpike company." (No. 351.)

"An act to authorize Charles B. Penn of Botetourt, to establish a ferry or bridge across the James river." (No. 350.)

"An act changing the place of holding a separate election in the county of Botetourt." (No. 379.)

"An act to extend the limits of, and provide for electing trustees for the town of Marion in the county of Smyth, and vesting them with certain corporate powers." (No. 391.)

"An act to change the place of holding a separate election in the county of Smyth." (No. 332.)

"An act providing for the election of trustees for the town of Hampton in the county of Elizabeth City, and vesting them with certain corporate powers, and for other purposes." (No. 390.)

"An act to extend the corporate limits of the town of Petersburg." (No. 361.)

"An act to relieve the inhabitants of the town of Bridgewater from the duty of working on public roads." (No. 347.)

"An act authorizing Levi Low of the county of Monongalia, to increase the height of his dam." (No. 354.)

"An act to aid the Chesapeake and Ohio canal company in certain repairs of their work, and for other purposes." (No. 446.)

"An act to provide for electing trustees for the town of Clarksville in the county of Harrison, and vesting them with certain corporate powers." (No. 412.)

"An act to incorporate the Morgantown and Bridgeport turnpike company." (No. 403.)

They have also passed the bills, entitled

"An act incorporating the Guyandotte navigation company." (No. 348.)

"An act concerning Elizabeth C. Finney and her children," (No. 383;) and

"An act changing the time of holding the county court of Clarke county for the month of June," with amendments, in which they request the concurrence of the house of delegates.

And they have postponed indefinitely the bill, entitled

"An act to incorporate the Baltimore, Norfolk and Petersburg steamboat company, and for other purposes."

The said amendments being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

Mr. STILLMAN, from the committee on enrolled bills, reported sundry other bills as truly enrolled.

Ordered, That Mr. STILLMAN carry the same to the senate for further examination and signature.

No. 478. An engrossed bill providing for a trigonometrical survey of the state of Virginia, with a view to the publication of a correct geo-

graphical map of Virginia, was read a third time, and on motion of Mr. WATSON, ordered to be laid upon the table. Ayes 57, noes 26.

On motion of Mr. FINNEY, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Finney, Watson, Smith, Boisseau, M'Cue, Mitchell, De Camps, Wills, Irvine of Campbell, Moncure of Caroline, Jones, Barbour, Vaughan, Clarke, Thomas, Scott, Edwards, Wood, Synnor, Baily, Clopton, Guerrant, Carroll, Stovall, Allen, Hiatt, Worthington, Houser, Webb, White, Beard, Harris, Edmondson, Newman, Arnett, Shepard, Tanzey, Robinson, Butt, Pannill, Buswell, Townes, Grasty, Cackley, Rives, Harrison of Prince William, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Hargrave, George and Collins—57.

NOES—Messrs. Layne of Alleghany, Cheatham, Sheffey, Hudson, Byrne of Braxton, Lewis and Gilmer, Moore, Lacy, Irving of Cumberland, Segar, Rector, Stillman, Darracott, Lancaster, Howard of James City, York and Williamsburg, Ferguson, Clendenin, Yerby, Pitts, Fairfax, Goff, Strother, Dorman, Conway, Moncure of Stafford, Burdett and Boyd—26.

The following engrossed bills were read a third time and passed, viz :

No. 477. A bill authorizing Samuel Wilson to construct a wharf on the James river in the county of Isle of Wight.

No. 479. A bill concerning the town of Port Royal in the county of Caroline.

No. 480. A bill amending an act to incorporate the Harper's Ferry and Shenandoah company, passed February 14th, 1846.

No. 481. A bill to authorize a subscription on behalf of the commonwealth to the capital stock of the Virginia and Maryland bridge company.

No. 482. A bill divorcing Henry C. Moore from his wife Elizabeth.

No. 483. A bill authorizing a separate election for the county of York at the Raleigh tavern, in the City of Williamsburg.

No. 484. A bill to amend the act incorporating the Harrisville turnpike company and to increase the state's subscription to the capital stock of the company.

No. 485. A bill to incorporate the Knobly valley turnpike company.

No. 488. A bill to incorporate the town of Harrisonburg in the county of Rockingham.

No. 489. A bill to enlarge the accommodations for the state library, and for other purposes.

No. 490. A bill for the relief of Catharine Panham.

No. 491. A bill providing for the construction of a road from the house of James Shannou, in the county of Logan, to the Bluffs, on the line between Logan and Mercer counties.

No. 495. A bill to incorporate the trustees of the Williamsburg academy.

No. 496. A bill authorizing the enlistment of musicians for the Military institute.

No. 497. A bill authorizing a reward for killing wild cats in the counties of Franklin, Pendleton and Highland.

No. 498. A bill incorporating the Marion bridge company.

No. 499. A bill to incorporate the Southwestern and Atlantic telegraph company.

No. 502. A bill to incorporate the trustees of the Mount Pleasant academy in Bedford.

No. 503. A bill to amend the act passed April 3d, 1848, chap. 175, concerning the New Market and Sperryville turnpike company.

No. 504. A bill divorcing William Rucker from his wife Elizabeth.

No. 505. A bill authorizing the payment of a sum of money to Thomas Wright of the town of Fredericksburg.

No. 506. A bill for the relief of Thomas Farr and Joshua Eddy.

No. 509. A bill to dispense with any slope in the dam of Franklin Davis across Buffaloe creek, in the county of Marion.

No. 510. A bill for extending the Beverly and Fairmont road to Blacksville in Monongalia.

No. 511. A bill to amend the act concerning the Dunkard creek turnpike company, passed March 12, 1848.

No. 512. A bill to amend the act, entitled "an act providing more effectually for the protection of sheep in the county of Loudoun."

No. 515. A bill to authorize the county courts to appoint a time for taking the sense of the voters of any county upon the question of a county subscription for the stock of a railroad or turnpike company.

No. 517. A bill to incorporate the Charleston and Ohio railroad company.

No. 518. A bill to increase the state's subscription to the stock of the Howardsville and Rockfish turnpike company.

No. 519. A bill to authorize the corporation of Lynchburg to purchase land and erect a poorhouse without the limits of said corporation.

No. 520. A bill to permit the heirs of Thomas Fitzsimmons, deceased, to pay the taxes on their lands; and

No. 521. A bill to permit Mary Morton and the heirs of Thomas Wainwright, to pay the taxes on her land.

Ordered, That the clerk communicate said bills to the senate and request their concurrence.

On motion of Mr. LAYNE of Alleghany,

Resolved, That a select committee be appointed to enquire into the propriety of incorporating a company to run a line of stages from Charlottesville to Guyandotte, and that they have leave to report by bill or otherwise.

And a committee was appointed of Messrs. Layne of Alleghany, Smith, Ferguson, Watson and Thomas.

A motion was made by Mr. BOISSEAU, to suspend the rule for the purpose of reconsidering the vote rejecting the engrossed bill concerning the Richmond and Petersburg railroad company, (No. 394,) and the question being put thereupon, was determined in the negative.

On motion of Mr. WATSON, the rule of the house was suspended, and the vote rejecting the engrossed bill to provide for the construction of the Tazewell courthouse and Fancy gap turnpike road, was reconsidered; the bill was then passed. Ayes 49, noes 34.

On motion of Mr. HARRISON of Prince William, the vote was recorded as follows:

AYES—Messrs. Watson, Smith, Layne of Alleghany, Cheatham, McCue, Sheffey, Hudson, Byrne of Braxton, Lewis and Gilmer, Moore, Wills, Irvine

of Campbell, Segar, Scott, Rector, Wood, Baily, Carroll, Allen, Hiatt, Welton, Worthington, Thomson of Jefferson, Ferguson, White, Beard, M'Donald, Clendenin, Tanzey, Beirne of Monroe, Gustin, Perrow, Robinson, Pitts, Cackley, Fairfax, Goff, Strother, Dorman, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Burdett, George, Collins and Boyd—49.

NOES—Messrs. Hopkins, (speaker,) Finney, Boisseau, De Camps, Moncure of Caroline, Lacy, Jones, Vaughan, Clarke, Edwards, Sydnor, Clopton, Guerrant, Stovall, Lancaster, Howard of James City, York and Williamsburg, Houser, Tomlin, Webb, Harrison of Loudoun, Harris, Edmondson, Newman, Whittle, Butt, Yerby, Pannill, Townes, Grasty, Rives, Harrison of Prince William, Conway, Moncure of Stafford, and Hargrave—34.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. WHITTLE,

Ordered, That leave of absence from the service of the house be granted to Mr. COLEMAN for the remainder of the session from to-day.

No. 486. An engrossed bill making a further appropriation to the Northwestern turnpike road, was read a third time, amended on motion of Mr. SHEFFEY by way of ryder, and as amended passed.

Ordered, That the clerk communicate said bill to the senate and request their concurrence.

No. 492. An engrossed bill providing for constructing a state road from Christiansburg to Patrick courthouse, was read a third time, and the question being put upon its passage, was determined in the negative.

Resolved, That said bill be rejected.

No. 487. An engrossed bill concerning Fenton G. North of the county of Charlotte, was, on motion of Mr. THOMAS, ordered to be laid upon the table.

No. 493. An engrossed bill incorporating the Cole river navigation company, was read a third time and passed. Ayes 50, noes 29.

On motion of Mr. DARRACOTT, the vote was recorded as follows:

AYES—Messrs. Smith, Layne of Alleghany, Cheatham, M'Cue, Sheffey, Mitchell, Hudson, Byrne of Braxton, Lewis and Gilmer, De Camps, Moore, Wills, Irvine of Campbell, Irving of Cumberland, Segar, Thomas, Scott, Rector, Wood, Baily, Carroll, Hiatt, Lancaster, Worthington, Ferguson, White, Beard, Arnett, Clendenin, Tanzey, Beirne of Monroe, Gustin, Perrow, Pitts, Buswell, Cackley, Fairfax, Goff, Strother, Dorman, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Burdett, George, Collins and Boyd—50.

NOES—Messrs. Hopkins, (speaker,) Finney, Boisseau, Moncure of Caroline, Lacy, Cardwell, Vaughan, Clarke, Stillman, Sydnor, Clopton, Guerrant, Stovall, Darracott, Howard of James City, York and Williamsburg, Tomlin, Webb, Harrison of Loudoun, Harris, Edmondson, Newman, Butt, Yerby, Booth, Pannill, Grasty, Rives, Moncure of Stafford, and Hargrave—29.

Ordered, That the clerk communicate the said bill to the senate and request their concurrence.

A message was received from the senate by Mr. KINNEY, who informed the house that the senate had passed the bill, entitled "an act making an appropriation for the erection of new barracks at the Virginia military institute," with amendments, in which they requested the concurrence of the house of delegates.

The said amendments being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

No. 501. An engrossed bill to incorporate the Buchanan and Roanoke railroad company, was read a third time and passed. Ayes 47, noes 33.

On motion of Mr. RIVES, the vote thereupon was recorded as follows:

AYES—Messrs. Watson, Smith, Layne of Alleghany, M'Cue, Sheffey, Mitchell, Burwell, Hudson, Byrne of Braxton, Lewis and Gilmer, Wills, Irvine of Campbell, Irving of Cumberland, Segar, Thomas, Scott, Rector, Sydnor, Baily, Carroll, Allen, Darracott, Lancaster, Worthington, Ferguson, Arnett, M'Donald, Clendenin, Tanzey, Beirne of Monroe, Perrow, Buswell, Cackley, Fairfax, Goff, Strother, Dorman, Martz, Harper, Aston, Fugate, Pitman, Sibert, Thompson of Smyth, Burdett, George, Collins and Boyd—47.

NOES—Messrs. Hopkins, (speaker,) Finney, Boisseau, Cheatham, Moncure of Caroline, Lacy, Cardwell, Barbour, Vaughan, Stillman, Edwards, Clopton, Guerrant, Stovall, Hiatt, Howard of James City, York and Williamsburg, Houser, Tomlin, Webb, Harrison of Loudoun, Beard, Harris, Newman, Gustin, Butt, Yerby, Pannill, Grasty, Rives, Harrison of Prince William, Conway, Moncure of Stafford, and Hargrave—33.

Ordered, That the clerk communicate said bill to the senate, and request their concurrence.

No. 513. An engrossed bill regulating the weight of certain grain and seeds, was, on motion of Mr. SMITH, ordered to be laid upon the table.

No. 508. An engrossed bill repealing the act, entitled "an act to amend the act, entitled 'an act concerning the formation of new counties,'" was, on motion of Mr. STOVALL, ordered to be laid upon the table.

No. 514. An engrossed bill to authorize the Bank of Virginia to establish a branch of said bank at Ripley or Ravenswood, in the county of Jackson, was read a third time and passed. Ayes 39, noes 36.

On motion of Mr. NEWMAN, the vote was recorded as follows:

AYES—Messrs. Finney, Watson, Smith, Layne of Alleghany, M'Cue, Sheffey, Hudson, Byrne of Braxton, Lewis and Gilmer, Moore, Wills, Lacy, Irving of Cumberland, Segar, Thomas, Scott, Rector, Stillman, Carroll, Darracott, Lancaster, Howard of James City, York and Williamsburg, Worthington, Wallace, Webb, Ferguson, Clendenin, Beirne of Monroe, Perrow, Yerby, Pitts, Cackley, Goff, Strother, Dorman, Aston, Thompson of Smyth, Burdett, George and Boyd—39.

NOES—Messrs. Hopkins, (speaker,) Cheatham, Mitchell, De Camps, Moncure of Caroline, Barbour, Edwards, Wood, Sydnor, Baily, Clopton, Guerrant, Stovall, Allen, Hiatt, Houser, Tomlin, Harris, Newman, M'Donald, Whittle, Tanzey, Gustin, Butt, Pannill, Buswell, Grasty, Rives, Harrison of Prince William, Martz, Harper, Pitman, Sibert, Conway, Moncure of Stafford, and Hargrave—36.

On motion of Mr. STOVALL, the bill entitled "an act to incorporate the Fincastle female seminary," with the amendment thereto proposed by the senate, was taken up; and the said amendment being read, was agreed to, and it was ordered that the clerk inform the senate thereof.

No. 367. On motion of Mr. M'DONALD, the rule of the house was suspended, and the vote rejecting the engrossed bill to macadamize the

Fishing creek and Ice's ferry road was reconsidered, and the bill was then passed.

Ordered, That the clerk communicate the same to the senate, and request their concurrence.

On motion of Mr. STOVALL,

Resolved, That when this house adjourns to-day, it will adjourn until to-morrow 12 o'clock.

On motion of Mr. STOVALL, the house adjourned accordingly.

SATURDAY, MARCH 17, 1849.

Prayer by the Rev. GEORGE WOODBRIDGE, of the Episcopal church.

A communication from the senate, by their clerk, was read as follows:

IN SENATE, MARCH 16, 1849.

The senate have passed the bills, entitled

"An act concerning John P. Thomasson, commissioner of the revenue for the county of Wirt." (No. 407.)

"An act incorporating the Berkeley and Jefferson turnpike company." (No. 395.)

"An act to authorize the president and directors of the Farmers bank of Virginia, to increase the capital of the branch of said bank at Wytheville." (No. 416.)

"An act providing for the reception of insane persons of the naval service and marine corps of the United States into the Eastern lunatic asylum." (No. 370.)

"An act prohibiting the brands used by one manufacturer of tobacco from being used by another." (No. 362.)

"An act concerning the bridge across Jackson's river at Covington." (No. 458.)

"An act to authorize a separate election at Brucetown in the county of Frederick." (No. 432.)

"An act to incorporate the Buffaloe academy in the county of Putnam." (No. 469.)

"An act to authorize Tyre Black, of Wayne county, to establish a ferry across the Sandy river." (No. 434.)

"An act to incorporate the Citizens savings bank in the town of Liberty." (No. 437.)

"An act concerning oysters in Nansemond county." (No. 448.)

"An act to authorize Robert P. Waring, of Essex county, to charge wharfage at his wharf on the Rappahannock river." (No. 476.)

"An act incorporating the Warrenton and Rappahannock turnpike company." (No. 405.)

"An act incorporating the Orlean and Salem turnpike company." (No. 404.)

"An act conferring additional powers on the trustees of the town of Charlottesville." (No. 461.)

"An act to incorporate the Wesleyan female institute in the town of Staunton." (No. 467.)

"An act concerning the Little Kanawha bridge company." (No. 424.)

"An act annexing to the county of Braxton a part of the county of Randolph." (No. 474.)

"An act to incorporate the town of Harrisonburg in the county of Rockingham." (No. 488.)

"An act amending an act to incorporate the Smith's river navigation company, passed March 24th, 1848." (No. 464.)

"An act to incorporate the Lynchburg female orphan asylum." (No. 451.)

"An act incorporating the Neotrophian society of Bethany college." (No. 466.)

"An act to incorporate the Lynchburg hose and fire insurance company." (No. 433.)

"An act declaring Sancho creek in the county of Tyler a public highway." (No. 443.)

"An act to authorize Braxton Garlick, of the county of New Kent, to construct a wharf on the Pamunkey river." (No. 454.)

They have also passed the bills, entitled

"An act to incorporate the Grindstone hill mining company." (No. 415.)

"An act to incorporate the Farmers, Planters and Mechanics savings bank of Bedford." (No. 435.)

"An act to incorporate the Franklin savings bank of the City of Norfolk." (No. 470.)

"An act for the relief of Reuben Lee." (No. 320.)

"An act to authorize county courts to establish public landings, with restrictions upon the public use thereof.

"An act concerning the debt to the Board of public works, due from the trustees of Portsmouth, on account of the purchase of the Seaboard and Roanoke railroad company," (No. 444;) and

"An act to authorize a separate election at Rocklick schoolhouse in the county of Marshall, and for other purposes," (No. 449,) with amendments, in which they request the concurrence of the house of delegates.

They have postponed indefinitely the bill, entitled

"An act divorcing Nancy Peyton from her husband Valentine Peyton." (No. 472.)

And their committee appointed to examine enrolled bills have examined sundry such bills, which, being found truly enrolled, have been signed by their SPEAKER, and are herewith returned to the house of delegates.

The said amendments being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

A message was received from the senate by Mr. KINNEY, who informed the house that the senate had passed a bill, entitled "an act incorporating the Junction Valley turnpike company," with an amendment, in which they requested the concurrence of the house of delegates.

The said amendment being read, was agreed to, and it was ordered that the clerk inform the senate thereof.

Mr. STILLMAN, from the committee on enrolled bills, reported that they had examined sundry other bills, and found them truly enrolled.

Ordered, That the clerk communicate the same to the senate for further examination and signature.

On motion of Mr. DE CAMPS,

Ordered, That leave be given to withdraw the petition from citizens of the county of Hancock, and the remonstrance against the same, for the removal of the seat of justice of said county.

Mr. LAYNE of Alleghany, according to order, presented the following bill:

No. 522. A bill to incorporate the White Sulphur stage company; which was read twice and forthwith engrossed and read a third time, and the question being put upon its passage, was determined in the negative. Ayes 31, noes 37.

On motion of Mr. WATSON, the vote thereupon was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Layne of Alleghany, Cheatham, Sheffey, Hudson, Lacy, Thomas, Rector, Baily, Allen, Darracott, Ferguson, Arnett, M'Donald, Tanzey, Beirne of Monroe, Gustin, Perrow, Cowper, Yerby, Pitts, Cackley, Fairfax, Goff, Dorman, Martz, Fugate, Pitman, Sibert, Thompson of Smyth, and Collins—31.

NOES—Messrs. Finney, Watson, M'Cue, Mitchell, Byrne of Braxton, Lewis and Gilmer, De Camps, Wills, Moncure of Caroline, Segar, Clarke, Scott, Stillman, Edwards, Sydnor, Clopton, Guerrant, Stovall, Hiatt, Lancaster, Mullins, Worthington, Wallace, Houser, Tomlin, Webb, Harrison of Loudoun, Beard, Edmondson, Clendenin, Butt, Grasty, Rives, Harrison of Prince William, Aston, Moncure of Stafford, Hargrave and Burdett—37.

Resolved, That said bill be rejected.

On motion of Mr. PITTS, the committee on swords were ordered to be discharged from the several subjects referred to that committee.

No. 191. A bill concerning set-offs, was taken up on motion of Mr. WORTHINGTON, read a second time, and an amendment was submitted thereto by him, and then on his motion the bill and amendment were ordered to be referred to the committee on revision.

A further communication from the senate by their clerk was read as follows:

IN SENATE, MARCH 17, 1849.

The senate have passed the bills, entitled

"An act incorporating the Logan, Raleigh and Monroe turnpike company," (No. 425;) and

"An act incorporating the Virginia telegraph company," with amendments, in which they request the concurrence of the house of delegates.

The said amendments being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

On motion of Mr. SHEFFEY,

Resolved by the general assembly, That the public printer be required to print and cause to be bound and delivered within the time

now prescribed by law, the acts of the general assembly, during the present session, prior to its adjournment on the 19th of March, and also to print and deliver the abstracts of those acts.

Resolved further by the general assembly, That so much of the resolutions "relative to the printing and distribution of the public documents and the journal of the house of delegates," passed December 7, 1848, as requires six printed bills to be delivered "to the clerk of the house of delegates, to be preserved in his office for future reference," be and the same is hereby rescinded.

Ordered, That Mr. SHEFFEY carry the same to the senate and request their concurrence.

A message was received from the senate by Mr. STRINGER, who informed the house that the senate had passed the bill, entitled "an act making a further appropriation to the Northwestern turnpike road," with amendments, in which they requested the concurrence of the house of delegates.

The said amendments being read were severally agreed to, and it was ordered that the clerk inform the senate thereof.

On motion the SPEAKER signed the following enrolled bills:

An act to amend the act, entitled an act to prevent the hauling of seines at certain places within certain periods annually, passed January 4th, 1805.

An act allowing Joseph Alexander, a free man of colour, to remain in the commonwealth.

An act for the relief of the devisees and heirs of William H. Foote, deceased.

An act to extend the quarantine laws to the Ohio river and its tributaries.

An act for the relief of Martha Watts.

An act to authorize Josiah C. Wilson to construct a wharf on James river, in the county of Charles City.

An act authorizing a separate election at the house of Charles C. See, in the county of Randolph.

An act authorizing a separate election at the house of Thomas F. Hatcher, in the county of Franklin.

An act to authorize Edward T. Tayloe, of King George county, to charge wharfage at his wharf on the Rappahannock river.

An act to repeal so much of the act, entitled an act prescribing the mode of electing trustees for the town of Darkesville in the county of Berkeley, and vesting them with corporate powers, and of electing trustees of the town of Romney in the county of Hampshire, as concerns the said town of Darkesville.

An act to amend the act, entitled an act to amend the act establishing the town of Grandville in the county of Monongalia.

An act authorizing two separate elections in the county of Barbour.

An act to change the place of holding a separate election in the county of Fairfax.

An act authorizing a separate election at the house of John Helmick in the county of Lewis.

An act changing the time of holding the county court of the county of Braxton.

An act to amend the act, entitled an act to limit the assessment upon titheables, and to authorize a tax upon property for the purpose of defraying county expenditures within the county of Berkeley, passed March 5th, 1835.

An act to change the place of holding a separate election in the county of Fairfax.

An act authorizing a separate election at the house of John Coe, in the town of Palestine in the county of Wirt.

An act directing the governor to present a sword to Francis Otway Byrd.

An act to authorize a separate election at Jacob's schoolhouse, in the county of Shenandoah.

An act changing the time of holding the county court of Alexandria county.

An act authorizing a separate election at the house of Lewis Hatcher in the county of Mercer.

An act authorizing a separate election at Boston post-office, in the county of Culpeper.

An act to incorporate the Red Oak academy of Brunswick county.

An act incorporating the Piney run iron factory.

An act in relation to the school quota of the county of Alexandria.

An act allowing the commissioners of the revenue for the county of Loudoun compensation for listing dogs.

An act authorizing a separate election at the New schoolhouse in the county of Pendleton.

An act to authorize the Maryland and Virginia steam packet company to hold a limited amount of real estate.

An act authorizing the clerk of the county court of Fairfax to convey to John Powell a certain lot of land.

An act making an appropriation to the Virginia military institute, for the support and education of additional cadets.

An act releasing the commonwealth's right to a certain tract of land therein mentioned, to Frederick Moore.

An act concerning the free school system in the county of Henry.

An act authorizing the sale of the real estate of Roger Atkinson of the county of Halifax.

An act concerning special courts of appeals.

An act to incorporate the Alexandria marine railway company.

An act to authorize the mayor and common council of the town of Fredericksburg to subscribe for stock in the Fredericksburg and Blue Ridge railroad company.

An act to authorize a separate election at the house of Apollo Stephens in the county of Mason.

An act providing for the purchase of furniture for the Eastern and Western asylums, and for other purposes.

An act to authorize a separate election at the house of Dicy Barrett in the county of Cabell.

An act to declare Point Pleasant creek and Elk fork in Tyler county, public highways.

An act incorporating the Western telegraph company.

An act authorizing the payment of a certain sum of money to J. E. Pitzer, deputy for Elias Thomas, sheriff of Roanoke county.

An act changing the time of holding the April term of the county court of Mason county.

An act to change the place of holding a separate election in the county of Tyler.

An act to incorporate the Fredericksburg steamboat company.

An act to incorporate the Suffolk savings bank.

An act releasing to Peter M. Daniel, sheriff of Louisa, the amount of certain damages recovered against him in the general court.

An act increasing the salaries of the commissioners of the revenue for the county of Patrick.

An act releasing to Joel Ferguson a certain fine imposed by the circuit superior court of law and chancery for Wayne county.

An act declaring Mud river and the Beach fork of Twelve Pole river public highways, and for other purposes.

An act to confirm the grant by the common council of Alexandria of part of certain streets in said town to the Alexandria canal company.

An act to amend the several acts concerning the Martinsburg and Winchester turnpike company.

An act incorporating the town of Gnyandotte in Cabell county.

An act concerning Ulysses Hinchman of the county of Logan.

An act to authorize James Paxton of the county of Botetourt, to erect a milldam across the Eastern branch of the Cowpasture river.

An act divorcing Sarah Ann Raymond from her husband Henry P. Raymond.

An act to provide for the repairs of the governor's house and the purchase of furniture therefor.

An act releasing to John A. Kinnaird, sheriff of Wood county, the amount of a judgment of the general court.

An act concerning Samuel S. Simmons, adjutant of the 98th regiment.

An act concerning Stephen Kent, administrator of Nicholas Cole deceased.

An act authorizing a separate election at the house of Thomas Miller in the county of Braxton.

An act authorizing a separate election at the house late the residence of Adam Rosenbaum sen. deceased, in the county of Wythe.

An act to provide additional accommodations for the deaf and dumb and blind institution.

An act to change the place of holding a separate election in the county of Highland.

An act to annex to the county of Roanoke a part of the county of Montgomery.

An act to authorize the supreme court of appeals to issue writs of *mandamus*.

An act divorcing Lucy W. Norman from her husband James B. Norman.

An act concerning the appellate jurisdiction of the circuit superior courts of law and chancery.

An act extending the corporate limits of the town of Lewisburg and enlarging the powers of the trustees thereof.

An act concerning George Pickett and Thomas A. Withers.

An act changing the time of holding the circuit superior courts of Spottsylvania and Caroline counties.

An act to add the county of Powhatan to the second judicial circuit.

An act repealing the first, second and third sections of an act, entitled an act concerning the correction of errors committed in the progress of chancery causes, and regulating appeals from decrees pronounced therein.

An act changing the times of holding the county courts of the counties of Cabell, Wayne, Boone and Kanawha.

An act to amend the act, entitled an act incorporating the town of Charleston in the county of Kanawha.

An act to amend the act, entitled an act concerning the City of Norfolk, passed February 13, 1845.

An act changing the time of holding the county courts of Harrison.

An act concerning precinct elections in the counties of Pulaski, Jefferson and Rappahannock.

An act refunding to John Godfrey a certain sum of money.

An act to authorize a separate election at Stoney creek depot in the county of Sussex.

An act providing for taking the relinquishment of dower in the estate of lunatics.

An act to amend the act, entitled an act authorizing two separate elections in the county of Fayette, and for other purposes.

An act incorporating the Virginia cannel coal company.

An act changing the time of holding the circuit superior courts of the counties of Rockbridge, Nelson and Albemarle.

An act changing the time of holding the county courts of Wetzel.

An act releasing to James Cornwell the payment of a certain fine.

An act concerning precinct elections in the counties of Highland, Rockingham and Patrick.

An act to incorporate the Hardy county savings bank, and for other purposes.

An act to regulate the forfeiture of undrawn school quotas to the Literary fund.

An act concerning precinct elections in the counties of Highland, Albemarle and Putnam.

An act providing for the erection of a monument to Washington.

An act authorizing a separate election at the tavern house of Benjamin W. Shelley in the county of Dinwiddie.

An act divorcing Henry Biddle from his wife Delana.

An act for the relief of John Disselms.

An act ratifying and confirming the sale of a portion of the capitol square by the governor to B. B. Minor.

An act concerning the town of Martinsburg in the county of Berkeley.

An act authorizing the county court of Brooke county to rebuild the courthouse of said county, and for other purposes.

An act incorporating the trustees of Shenandale college in the county of Shenandoah.

An act concerning the tobacco trade in the town of Alexandria.

An act for the incorporation of the Sharon cemetery company at Middleburg in the county of Loudoun.

An act incorporating the Thornrose cemetery company at the town of Staunton.

An providing more effectually for the protection of sheep in the county of Wythe.

An act changing the time of holding the first quarterly term of the county court of Jackson.

An act to change the place of holding a separate election in the county of Lewis.

An act providing for the extension of the provisions of the present road law of Brooke county to the counties of Tyler and Wetzell.

An act authorizing the county court of Wythe to increase the reward for killing wolves within the said county.

An act concerning district public schools in the county of Ohio.

An act incorporating the trustees of Reedy spring academy.

An act declaring as exempt from taxation under the special road laws of Rockbridge county, the officers, contractors and labourers on the James river and Kanawha company's line of improvement.

An act providing for taking the sense of the citizens of Wirt county upon the selection of a site for the seat of justice thereof.

An act divorcing Robert H. Mitchell from his wife Mary A.

An act for the relief of Harry Parker.

An act appointing commissioners to select a site for the seat of justice for the county of Grayson, and for confirming or rejecting the same by the vote of the people.

An act incorporating the American insurance company of Norfolk.

An act to renew the charter of the Falls and Winterpoc manufacturing companies.

An act to incorporate the Spring hill company.

An act to amend the charter of the town of Winchester in the county of Frederick.

An act releasing to Reuben Davis, sheriff of the county of Hampshire, the amount of certain damages recovered against him in the general court.

An act concerning the jurisdiction of the mayor's court of the City of Richmond.

An act to amend the act passed April 4th, 1848, entitled an act amending the act, entitled an act amending the act, entitled an act concerning oysters and terrapins, and the penalties in regard to them, passed March 22, 1847, and for other purposes.

An act to amend the several acts incorporating the Goose creek navigation company.

An act divorcing Cynthia A. Calloway from her husband James G. Calloway.

An act divorcing Sarah D. Williams from her husband John D. Williams.

An act authorizing the proprietors of the road constructed by Brightberry Brown of the county of Albemarle, under the authority of an act passed the third of January 1800, to change its location, and for other purposes.

An act to authorize the common council of Alexandria to subscribe to the stock of the Orange and Alexandria railroad company.

An act imposing taxes for the support of government.

An act changing the time of holding the circuit superior courts of law and chancery for the counties in the 19th and 20th judicial circuits.

An act concerning Nathaniel Poindexter of the county of Halifax.

An act to prohibit the taking of fish with seines or nets, by nonresidents, in the Great and Little Kanawha rivers and their tributaries, within the jurisdiction of this state, and from the Ohio river or any other tributary thereof.

An act extending the jurisdiction of the hustings court of Fredericksburg.

An act adding the county of Carroll to the sixteenth judicial circuit.

An act changing the time of holding the spring term of the circuit superior court of law and chancery for the county of Nicholas, and changing the times of holding the county courts of Ritchie.

An act authorizing a subscription for the commonwealth to the stock of the Virginia and Tennessee railroad.

An act to incorporate the Blue Ridge railroad company, and for other purposes.

An act to amend the act incorporating the Orange and Alexandria railroad company, passed March 27th, 1848.

An act to authorize separate elections in the counties of Preston, Ohio and Monongalia.

An act to amend an act providing for the erection of a monument to Washington.

An act providing for the attendance of witnesses before commissioners of assessment for railroad companies.

An act to establish a system of district free schools for King George county.

An act concerning John E. Baker, adjutant of the 25th regiment of Virginia militia.

An act to amend the act passed March 25th, 1848, incorporating the Kingwood and West Union turnpike company.

An act to amend the act passed March 1st, 1847, entitled an act to increase the capital stock of the Staunton and James river turnpike company, for the purpose of macadamizing their road.

An act to extend the charter of the Franklin society and library company of Lexington.

An act concerning Watsontown in the county of Hampshire.

An act providing for taking the sense of the citizens of Middlesex county upon the removal of the seat of justice for said county.

An act releasing the Rivanna navigation company from any forfeiture of its charter on account of failure to construct its work upon the scale prescribed in the charter.

An act to incorporate the Pamunkey navigation company.

An act to incorporate the Pocahontas savings bank.

An act to incorporate the Blacksburg savings institution in the county of Montgomery.

On motion of Mr. PITTS, the house adjourned until Monday 12 o'clock.

MONDAY, MARCH 19, 1849.

Prayer by the Rev. JEREMIAH B. JETER, of the Baptist church.

A communication from the senate, by their clerk, was read as follows:

IN SENATE, MARCH 17, 1849.

The senate have passed the bills, entitled

"An act concerning John B. Thomasson, commissioner of the revenue for the county of Wirt."

"An act to apportion the school quotas between the counties of Campbell and Appomattox." (No. 439.)

"An act changing the names of Fleming and Friendless Blood to that of Meredith." (No. 420.)

"An act concerning masters and apprentices in the county of Alexandria." (No. 455.)

"An act to incorporate the Martinsburg and Potomac turnpike company." (No. 398.)

"An act to amend an act to incorporate the Front Royal turnpike company, passed March 27th, 1848." (No. 413.)

"An act to amend the act incorporating the Blue Ridge turnpike company." (No. 423.)

"An act to increase the state subscription to the Howardsville and Rockfish turnpike company." (No. 518.)

"An act authorizing the county court of Prince William to reassess the land now owned by Richard C. Mackall, on which the Sudley mills are situated." (No. 468.)

"An act to amend the act incorporating the Harrisville turnpike company, and increase the state subscription to the capital stock of the company." (No. 484.)

"An act providing for the completion of Little Stone gap road." (No. 445.)

"An act providing for the construction of the Tazewell courthouse and Fancy gap turnpike road." (No. 245.)

"An act providing for the construction of a road from the house of James Shannon in the county of Logan, to the Bluffs, on the line between Logan and Mercer counties." (No. 491.)

"An act to incorporate the trustees of the Mount Pleasant academy in Bedford." (No. 502.)

"An act allowing a reward for killing wild cats in the counties of Franklin, Pendleton and Highland." (No. 497.)

"An act authorizing Samuel Wilson to construct a wharf on the James river in the county of Isle of Wight." (No. 477.)

"An act to authorize the corporation of Lynchburg to purchase land and erect a poorhouse without the limits of said corporation." (No. 519.)

"An act to dispense with any slope in the dam of Franklin Davis, across Buffaloe creek in the county of Mason." (No. 509.)

"An act to enlarge the accommodation for the state library, and for other purposes." (No. 489.)

"An act to authorize a subscription to the capital stock of the Virginia and Maryland bridge company." (No. 481.)

"An act to incorporate the Southwestern and Atlantic telegraph company." (No. 499.)

"An act to amend the act concerning the Dunkard creek turnpike company, passed March 12th, 1848." (No. 511.)

"An act to incorporate the Knobly valley turnpike company." (No. 485.)

"An act for the relief of Thomas Farr and Joshua Eddy." (No. 506.)

"An act incorporating the Cole river navigation company." (No. 493.)

"An act to authorize the county courts to appoint a time for the taking the sense of the voters of any county upon the question of the county subscription for the stock of a railroad or turnpike company." (No. 515.)

"An act to amend an act, entitled 'an act providing more effectually for the protection of sheep in the county of Loudoun.'" (No. 512.)

"An act authorizing a separate election for the county of York at the Raleigh tavern in the City of Williamsburg." (No. 483.)

"An act to incorporate the trustees of the Williamsburg academy," (No. 495;) and

"An act authorizing the payment of a sum of money to Thomas Wright of the town of Fredericksburg." (No. 505.)

They have also passed the bills, entitled

"An act concerning the town of Port Royal in the county of Caroline." (No. 479.)

"An act to incorporate the Abingdon savings bank," (No. 436;) and

"An act to amend the act passed April 3d, 1848, ch. 175, concerning the Newmarket and Sperryville turnpike company," (No. 503,) with amendments, in which they request the concurrence of the house of delegates.

They have postponed indefinitely the bill, entitled

"An act amending the charter of the Piedmont mining company." (No. 471.)

And they have agreed to the resolutions for printing and distributing the acts of the present session, and for other purposes.

The said amendments being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

Mr. STILLMAN, from the committee on enrolled bills, reported that

the said committee had examined all the bills that had been passed at the present session, and found them truly enrolled.

Ordered, That Mr. STILLMAN carry the same to the senate for further examination and signature.

On motion of Mr. JONES,

Ordered, That leave be given to withdraw the petition of John N. Powell, presented at the present session.

A further communication from the senate by their clerk, was read as follows:

IN SENATE, MARCH 19, 1849.

The committee of the senate appointed to examine the enrolled bills, have examined all such bills to them referred, which, being found truly enrolled, have been signed by their SPEAKER, and are herewith returned to the house of delegates.

On motion of Mr. BORD,

Ordered, That leave be given to withdraw the petition of citizens of the county of Wythe for the protection of sheep in said county.

On motion of Mr. SYME, the SPEAKER signed the following enrolled bills:

An act to authorize a separate election at the house of George J. Davis in the county of Doddridge, and to change a precinct election in the county of Rappahannock.

An act to incorporate the Moorfield and Alleghany turnpike.

An act to provide for the extension of the Moorfield and North branch turnpike road.

An act to incorporate the Philippi and Buckhannon turnpike.

An act to amend the act passed March 10th, 1847, incorporating the Monongahela navigation company.

An act further to provide for constructing the road from the Richlands in Tazewell to the Kentucky line.

An act concerning George W. Snelling, deputy of W. W. Hancock, sheriff of Chesterfield county.

An act for the relief of Alexander Goode and Minerva J. Goode his wife.

An act concerning executors who have qualified without giving security.

An act to legalize John H. Griffith's mill and dam in the county of Harrison.

An act authorizing the state's guarantee to certain bonds of the James river and Kanawha company.

An act changing the name of the Striderian manufacturing company.

An act incorporating the Portsmouth manufacturing company.

An act releasing to Washington Skelton a certain fine imposed by the circuit superior court of law and chancery for King & Queen county.

An act to protect and regulate ferry rights in the county of Wayne.

An act for the relief of J. D. Imboden as treasurer of schools for Augusta county.

An act to amend the act, entitled an act incorporating the Manchester bridge company.

An act to incorporate the Hillsborough and Harper's Ferry turnpike company.

An act providing for the improvement of the navigation of Twelve Pole river.

An act to complete the Sistersville and Salem turnpike road.

An act authorizing an exchange of arms with a troop of cavalry in the county of Appomattox.

An act to incorporate the Spottsylvania gold mining company.

An act changing the place of holding a separate election in the county of Prince George.

An act to incorporate the Winchester and Harper's Ferry telegraph company.

An act for the relief of Leroy M. Wilson.

An act to amend an act, entitled an act amending the act regulating proceedings in suits against corporations, and for other purposes.

An act for the protection of persons engaged in destroying wolves in the county of Hardy.

An act to incorporate the Rapid Ann mining and manufacturing company.

An act to incorporate the Fluvanna gold mining company.

An act authorizing the county court of Chesterfield to reassess the lands of the Creek company of colliers.

An act to amend the act, entitled an act concerning oysters and terapins, and the penalties in regard to them, so far as Norfolk and Princess Anne counties are concerned.

An act concerning the taking of oysters in York, Poquosin and Back rivers.

An act concerning the Virginia regiment of volunteers.

An act incorporating the Northeast gold mining company.

An act increasing the salary of the first clerk of the treasurer's office.

An act providing for the payment of the balance of the purchase money for the copyright of Davis' criminal law.

An act concerning nonresident parties to suits.

An act concerning Segub H. Parrock.

An act to change the place of holding a separate election in the county of Gilmer.

An act to authorize a separate election at the place called the Sycamores, in the county of Caroline.

An act to incorporate the Mutual fire insurance company of Loudoun county.

An act to amend the act, entitled an act changing the tenure of the office of surveyor in certain counties.

An act to establish a bank at Scottsville, in the county of Albemarle.

An act concerning Claudius Crozet.

An act concerning the Berryville and Charlestown turnpike company.

An act to provide for the construction of a road from the forks of Sandy river, in Wayne county, to the Kanawha turnpike, in Cabell county.

An act to amend the several acts relating to the Pennsylvania, Morgantown and Beverly road.

An act to incorporate the stockholders of the Female collegiate institute in the county of Buckingham.

An act authorizing separate elections in the counties of Mathews, Mecklenburg and Highland.

An act concerning the collectors of the school taxes of Norfolk county.

An act to provide for M'Adamizing certain parts of the Staunton and Parkersburg road.

An act to provide for the Southside and Rivanna connections.

An act to change the place of holding a separate election in the county of Wirt.

An act to provide for improving the roads from Harrisonburg in Rockingham county to Hardy and Pendleton.

An act to change the place of holding a separate election in the county of Roanoke.

An act to authorize a separate election at the tavern house of Samuel W. Davis in the county of Lewis.

An act concerning commissioners of sale, and for the collection of money under decrees of courts of chancery.

An act concerning partly proved deeds.

An act for the relief of Forrest Griffith.

An act amending the act, entitled an act concerning district free schools in the county of Jefferson, passed March 27th, 1848.

An act concerning the executors of Josiah Tidball deceased, late sheriff of the county of Fauquier.

An act amending the act, entitled an act concerning the lands of Henry C. Moore of the county of Randolph.

An act authorizing part of the school quota of Frederick county to be applied to the support of a school at Middletown.

An act to provide for constructing the Alleghany and Huntersville turnpike road.

An act to authorize separate elections in the counties of Wirt, Bath, Fairfax and Wood.

An act to provide for the sale of certain lands acquired for the use of the penitentiary, and for other purposes.

An act authorizing the division and distribution of the real and personal estate of Thomas Robinson in Orange county.

An act incorporating the Gas light company of Norfolk.

An act concerning the Little Falls railroad company.

An act defining the duties of officers conducting election precincts in certain cases.

An act to extend the act passed March 20th, 1847, entitled an act incorporating the Alexandria and Harper's Ferry railroad company.

An act concerning Thomas Green.

An act to incorporate the Clarksburg and Philippi turnpike company.

An act to incorporate the Petersburg and Lynchburg railroad company.

An act to amend the act incorporating the Elk river bridge company.

An act to renew the charter of the Swift run gap turnpike.

An act to amend the act passed March 5th, 1846, entitled an act to incorporate the Southside railroad company.

An act changing the time of holding the spring term of Chesterfield circuit court.

An act concerning Abby B. Hopkins and children.

An act concerning criminal prosecutions in the City of Richmond.

An act to exempt a company in the 107th regiment from attending the regimental muster of said regiment.

An act making further provision for the support of primary and district free schools.

An act to permit Robert Walsh and the heirs of Anna M. Walsh, to pay taxes on certain lands.

An act concerning John M. Fergusson, sergeant and jailor of the City of Richmond.

An act authorizing the sale of a tract of land, devised by Harry Smith of Rockingham county to his daughter Elizabeth and her children.

An act to incorporate the Rich Patch turnpike company.

An act to change the place of holding a separate election in the county of Boone.

An act concerning Charles Lovelace, jailor of the county of Pittsylvania.

An act authorizing three separate elections in the county of Logan.

An act to change the place of holding a separate election in the counties of Clarke and Southampton.

An act to incorporate the savings bank of Wheeling.

An act concerning the fire companies in the City of Wheeling.

An act for the relief of Richard Gregory.

An act incorporating the Albemarle and Nelson mining and smelting company.

An act to establish a branch bank at Fincastle in the county of Botetourt, or Salem in the county of Roanoke.

An act to incorporate the Norfolk and Western railroad company.

An act changing the place of holding a separate election in the county of Botetourt.

An act to provide for constructing a road across the Blue Ridge, between Madison and Page counties.

An act to amend the act, entitled an act to incorporate the Thornton's gap turnpike company, passed January 19, 1848, and for other purposes.

An act to incorporate the Buchanan turnpike company.

An act to change the place of holding a separate election in the county of Smyth.

An act to extend the corporate limits of the town of Petersburg.

An act to amend the act incorporating the Jacksonville academy.

An act for the relief of Wilson Anderson.

An act to incorporate the Dismal and Walker's creek iron manufacturing company in the county of Giles.

An act directing an increase of the state subscription to the capital stock of the Giles, Fayette and Kanawha turnpike company.

An act to incorporate the Glenville and Charleston turnpike company.

An act to incorporate the Sweet and Salt Sulphur springs turnpike company.

An act to authorize a portion of the trust fund held by James B. Ferrell, for the benefit of Piety Dunman and her children, to be invested in real estate.

An act to increase the capital stock of the Weston and Fairmont turnpike company.

An act authorizing a separate election at the house of Jesse Hall in the county of Harrison.

An act concerning the sergeant of the town of Lynchburg.

An act to amend an act passed March 13, 1848, entitled an act for the appointment and regulation of pilots on the Potomac river.

An act to amend the act, entitled an act reducing into one act the several acts providing for the poor, and declaring who shall be deemed vagrants.

An act for the gradual redemption of the public debt.

An act to incorporate the Wellsburg and Bethany turnpike company.

An act changing the time of holding the county courts of Clarke and Mason.

An act authorizing Levi Low of the county of Monongalia to increase the height of his dam.

An act to relieve the inhabitants of the town of Bridgewater from the duty of working on public roads.

An act concerning Elizabeth C. Finney and her children.

An act incorporating the Guyandotte navigation company.

An act to incorporate the Morgantown and Bridgeport turnpike company.

An act to authorize Robert P. Waring of Essex county to charge wharfage at his wharf on the Rappahannock river.

An act incorporating the Warrenton and Rappahannock turnpike company.

An act concerning the bridge across Jackson's river at Covington.

An act prohibiting the brands used by one manufacturer of tobacco from being used by another.

An act to incorporate the Buffaloe academy in the county of Putnam.

An act providing for the reception of insane persons of the naval service and marine corps of the United States into the Eastern lunatic asylum.

An act concerning John P. Thomasson, commissioner of the revenue for the county of Wirt.

An act concerning the Little Kanawha bridge company.

An act conferring additional power on the trustees of the town of Charlottesville.

An act authorizing a separate election at Brucetown in the county of Frederick.

An act to authorize the president and directors of the Farmers Bank

of Virginia to increase the capital of the branch of said bank at Wytheville.

An act to aid the Chesapeake and Ohio canal company in certain repairs of their work, and for other purposes.

An act to incorporate the town of Harrisonburg in the county of Rockingham.

An act to incorporate the Lynchburg hose and fire insurance company.

An act to incorporate the Lynchburg female orphan asylum.

An act incorporating the Neotrophian society of Bethany college.

An act to provide for electing trustees for the town of Clarksburg in the county of Harrison, and vesting them with certain corporate powers.

An act incorporating the Berkeley and Jefferson turnpike company.

An act concerning oysters in Nansemond county.

An act incorporating the Orlean and Salem turnpike company.

An act to incorporate the Wesleyan female institute in the town of Staunton.

An act annexing to the county of Braxton a part of the county of Randolph.

An act to authorize Tyre Black of Wayne county, to establish a ferry across the Sandy river.

An act to declare Sauchocreek, in the county of Tyler, a public highway.

An act to authorize Braxton Garlick of the county of New Kent, to construct a wharf on the Pamunkey river.

An act to incorporate the Grindstone Hill mining company.

An act to incorporate the Cross Roads and Rocky Mount savings banks.

An act to incorporate the Franklin savings bank of the City of Norfolk.

An act for the relief of Reuben Lee.

An act to authorize the court of King George county to establish public landings, with restrictions upon the public use thereof within the limits of said county.

An act concerning the debt to the Board of public works due from the trustees of Portsmouth on account of the purchase of the Seaboard and Roanoke railroad.

An act authorizing the county court of Roanoke to raise money for the purpose of erecting public buildings.

An act allowing a reward for killing wild cats in the counties of Franklin, Pendleton and Highland.

An act to amend the act concerning the Dunkard creek turnpike company, passed March 12th, 1848.

An act to authorize the county courts to appoint a time for taking the sense of the voters of any county upon the question of a county subscription for the stock of a railroad or turnpike company.

An act to authorize a subscription to the capital stock of the Virginia and Maryland bridge company.

An act for the relief of Thomas Farr and Joshua Eddy.

An act to amend the act incorporating the Blue Ridge turnpike company.

An act to increase the state subscription to the stock of the Howardsville and Rockfish turnpike company.

An act authorizing the county court of Prince William to reassess the land now owned by Richard C. Mackall, on which the Sudley mills are situated.

An act authorizing Samuel Wilson to construct a wharf on the James river in the county of Isle of Wight.

An act to authorize the corporation of Lynchburg to purchase land, and to erect a poorhouse without the limits of said corporation.

An act to apportion the school quotas between the counties of Campbell and Appomattox.

An act to amend an act to incorporate the Front Royal turnpike company.

An act changing the names of Fleming and Friendless Blood to that of Meredith.

An act concerning masters and apprentices in the county of Alexandria.

An act to dispense with any slope in the dam of Franklin Davis across Buffalo creek in the county of Mason.

An act to enlarge the accommodation for the state library, and for other purposes.

An act providing for the completion of the Little Stone gap road.

An act to amend the act incorporating the Harrisville turnpike company, and to increase the state subscription to the capital stock of the company.

An act making a further appropriation to the Northwestern turnpike road.

An act incorporating the Logan, Raleigh and Monroe turnpike company.

An act incorporating the Virginia telegraph company.

An act authorizing a separate election for the county of York at the Raleigh tavern in the City of Williamsburg.

An act to amend the act, entitled an act providing more effectually for the protection of sheep in the county of Loudoun.

An act authorizing the payment of a sum of money to Thomas Wright of the town of Fredericksburg.

An act to incorporate the Martinsburg and Potomac turnpike.

An act to incorporate the trustees of the Mount Pleasant academy in Bedford.

An act to incorporate the Knobly Valley turnpike company.

An act to provide for the construction of the Tazewell courthouse and Fancy gap turnpike road.

An act providing for the construction of a road from the house of James Shannon, in the county of Logan, to the Bluffs, on the line between Logan and Mercer counties.

An act to incorporate the Citizens savings bank in the town of Liberty.

An act amending an act to incorporate the Smith's river navigation company, passed March 24th, 1848.

An act to extend the limits of and provide for electing trustees for the town of Marion in the county of Smyth, and vesting them with certain corporate powers.

An act providing for the election of trustees for the town of Hampton in the county of Elizabeth City, and vesting them with certain corporate powers, and for other purposes.

An act to incorporate the trustees of the Williamsburg academy.

An act appropriating the public revenue.

An act establishing free schools in the county of Albemarle.

An act to authorize William Blackwell of the county of Fauquier, his heirs, executors, administrators and assigns, to extend the improvement of the Rappahannock river.

An act to incorporate the Buckhannon and Little Kanawha turnpike company.

An act incorporating the Junction valley turnpike company.

An act directing an additional subscription on behalf of the commonwealth to the capital stock of the Charleston and Point Pleasant turnpike company.

An act to incorporate the Williamsport turnpike company.

An act to incorporate the Kanawha telegraph company.

An act to incorporate the Monroe savings bank in the town of Union.

An act to incorporate a branch bank at Jeffersonville in the county of Tazewell.

An act to incorporate the Hampshire and Morgan turnpike company.

An act to authorize Charles B. Penn of the county of Botetourt, to establish a ferry or bridge across the James river.

An act concerning the Virginia military institute.

An act to incorporate the Fincastle female seminary.

An act incorporating the Cole river navigation company.

An act to incorporate the Southwestern and Atlantic telegraph company.

An act to increase the state's subscription to the capital stock of the Hardy and Winchester turnpike.

An act concerning the town of Port Royal in the county of Caroline.

An act to amend the act passed April 3d, 1848, concerning the New Market and Sperryville turnpike company.

An act to incorporate the Abingdon savings bank.

On motion of Mr. STILLMAN, the house adjourned until 12 o'clock on the 28th of May next.

MONDAY, MAY 28, 1849.

The proceedings were opened with prayer by the Rev. MOSES D. HOGE of the Presbyterian church.

The SPEAKER laid before the house a communication from PAULUS POWELL, Esq., which was read as follows :

AMHERST COUNTY, May 10th, 1849.

To the Speaker of the House of Delegates.

SIR,—Having been chosen by the people of the 5th congressional district, at the recent election, as a member of the house of representatives of the U. States, I tender to you my resignation as a member of the house of delegates from the county of Amherst.

I have the honour to be, very respectfully, your ob't serv't,

PAULUS POWELL

On motion of Mr. WHITTLE, the said communication was ordered to be laid upon the table.

On motion of Mr. LAYNE of Alleghany,

Resolved, That the speaker of this house issue a writ of election to the sheriff of the county of Amherst, to supply the vacancy occasioned by the resignation of Paulus Powell, Esq.

Mr. COWPER presented resolutions of the town of Portsmouth, for the passage of an act to provide for the election by the people of said town of trustees ; which, on his motion, were ordered to be referred to the committee for courts of justice.

Mr. PERROW submitted a resolution, asking leave to bring in a bill to repeal an act, entitled "an act changing the time of holding the circuit superior courts of the counties of Rockbridge, Nelson and Albemarle;" which, on motion of Mr. PRICE, was ordered to be laid upon the table.

Mr. MONCURE of Stafford, from the joint committee on the revision of the Civil Code, presented the following bill :

No. 522. A bill concerning the Code of Virginia ; which, on motion of Mr. CONWAY, was ordered to be laid upon the table.

On motion of Mr. YERBY,

Resolved by the general assembly, That the secretary of the commonwealth be directed to furnish to the members of the general assembly, who have not received or may not be in possession of the several reports of the revisors, a copy thereof.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

On motion of Mr. SCOTT, the house adjourned until to-morrow 12 o'clock.

TUESDAY, MAY 29, 1849.

Prayer by the Rev. THOMAS V. MOORE of the Presbyterian church.
Mr. CLAIBORNE submitted the following resolution, which, on motion of Mr. PRICE, was ordered to be laid upon the table:

Resolved by the general assembly, That when the two houses adjourn to-day, they will adjourn to meet at the White Sulphur springs in Greenbrier county, on Monday next.

On motion of Mr. PANNILL,

Resolved, That a standing committee of ten be appointed to enquire into the health of the City of Richmond, and report the same from time to time to the house of delegates.

And a committee was appointed of Messrs. Pannill, Yerby, Clopton, Stovall, Perrow, Mayo, Price, Martz, Aston and Cheatham.

On motion of Mr. STOVALL,

Ordered, That the time of meeting of this house be hereafter at 10 o'clock daily.

No. 522. A bill concerning the Code of Virginia, was taken up on motion of Mr. CONWAY, read the first and second times by its title; and a motion was made by Mr. SCOTT, to commit to the committee for courts of justice the third title thereof, comprising the fourth, fifth, sixth, seventh, eighth, ninth and tenth chapters; and the motion being under discussion,

On motion of Mr. BURDETT, the house adjourned until to-morrow 10 o'clock.

WEDNESDAY, MAY 30, 1849.

Prayer by the Rev. MOSES D. HOGE of the Presbyterian church.

A communication from the senate by their clerk was received and read as follows:

IN SENATE, MAY 29, 1849.

The senate have agreed to the resolution to provide for the distribution of copies of the report of the revisors of the Civil Code, with an amendment, in which they request the concurrence of the house of delegates.

The said amendment being read, was agreed to by the house, and it was ordered that the clerk inform the senate thereof.

Mr. PANNILL, from the committee appointed on yesterday to enquire into the health of the City of Richmond, presented a report which was read as follows:

Your committee beg leave to report the statements of various medical gentlemen as to Asiatic cholera in the City of Richmond, as follows:

Doctor Dove states that he has seen two cases only of Asiatic cholera in the city this spring, both in the same family; one of the father,

whose case is plainly traced to improper indulgence; his daughter was taken at 12 o'clock Monday night, and died at 3 o'clock Tuesday evening last; no trace of improper diet or indulgence. He does not consider that there is any epidemic cholera in Richmond; that the cases cited were sporadic, and not, in his opinion, the result of epidemic. He is of opinion that the city is unusually healthy.

Doctor Hazall has seen no case of cholera in the city. Cholera morbus has prevailed to some extent, but not more so than usual at this season of the year.

Doctor Minor concurs with *Doctor Hazall*.

Doctor Clay also concurs.

Doctor Beale has seen no case of cholera; the city is healthy.

Doctor Deane has seen a case which he pronounces cholera, at the warehouse, a fortnight ago; the patient was labouring under dysentery several days, and had eaten a large quantity of greens, &c.

Doctor Gibson has seen no case of cholera; thinks that diarrhœa prevails to less extent than usual at this season of the year; considers the city unusually healthy.

Doctor Cabell has seen no case of cholera; considers the city unusually healthy; that there are in all places, now and then, cases of sporadic cholera when there is no atmospheric influence; there were many such cases in 1833, after the cholera of 1832; that the legislature was then in session; that there was much more danger then than now. He considers the city perfectly safe.

Doctor Conway has seen no case of cholera; the city is unusually healthy. He saw last year two cases approaching cholera. He thinks no epidemic cholera.

Doctor Hazall thinks cholera morbus the forerunner of the Asiatic cholera.

Doctor Gwathmey thinks there has been a greater tendency to affections of the bowels this year than usual, but has seen no case of Asiatic cholera.

Doctor Bohannon has seen two cases of cholera in the Valley, one a prostitute; he thinks that there is a cholera tendency in that atmosphere.

Doctors Broocks and *Cabell* think there is nothing of cholera in the city; consider the city healthy at this time.

Doctor Cunningham has seen a case which he traced to indigestion by *post mortem* examination.

All the physicians concur in the general health of the city.

After a full examination of a number of the physicians of this city, we make the following report:

There have been some few cases of sporadic cholera; there is no cholera tendency in the atmosphere, and the city is unusually healthy at this time, and there is no cause for alarm.

On motion of Mr. STOVALL, the said report was ordered to be laid upon the table.

On motion of Mr. SYME,

Resolved, That the librarian be directed to furnish each reporter for the press of this city a copy of the report of the revisors, and the amendments of the joint committee of revision.

No. 522. A bill concerning the Civil Code of Virginia, was taken up, and the motion made by Mr. SCOTT, to commit to the committee for courts of justice the third title of the bill, was determined in the negative.

On motion of Mr. HARRISON of Prince William, the second and third sections of the fifth chapter of the third title were stricken out, and a substitute was adopted therefor on motion of Mr. MONCURE of Stafford.

On motion of Mr. STOVALL, the house then resolved itself into a committee of the whole house to take into consideration the said bill, Mr. SHEFFEY in the chair; and after some time spent therein, the SPEAKER resumed the chair, and Mr. SHEFFEY reported that the said committee had, according to order, considered the bill and made some progress therein, but not having had time to go through the same, had instructed him to ask leave to sit again.

On motion of Mr. SHEFFEY,

Ordered, That on to-morrow at 11 o'clock the house again resolve itself into a committee of the whole house to take said bill into consideration.

On motion of Mr. SHEFFEY, the house adjourned until to-morrow morning 10 o'clock.

THURSDAY, MAY 31, 1849.

Prayer by the Rev. THOMAS V. MOORE of the Presbyterian church.

On motion of Mr. SEGAR,

Ordered, That leave be given to bring in a bill providing for the first election of trustees for the town of Hampton, on the 9th day of June next, instead of the time now required by law, and that Messrs. Segar, Robinson, Shepard, Wood and Boykin prepare and bring in the same, and have leave to sit during the session of the house.

Mr. SEGAR subsequently presented the following bill:

No. 523. A bill changing the time for the first election of trustees for the town of Hampton.

The said bill was then, on motion of Mr. SEGAR, read the first and second times, and ordered to be forthwith engrossed and read a third time.

Mr. CLENDENIN presented the proceedings of the court and bar of the circuit superior court of the county of Mason, praying the repeal of the act changing the time of holding the said circuit court; which, on motion of Mr. COOK, was ordered to be laid upon the table.

Mr. NEWMAN presented a petition of citizens of the county of Madison, praying for an amendment of the laws in relation to suits in chancery, which was ordered to be referred to the committee for courts of justice.

A motion was made by Mr. HART, that the house adopt the following resolution:

Resolved by the general assembly, That when the two houses adjourn to-day, they will adjourn to meet at some other place than the City of Richmond.

A motion was made by Mr. SCOTT, that the resolution be laid upon the table, and it was determined in the affirmative. Ayes 52, noes 47.

On motion of Mr. BURDETT, the vote was recorded as follows:

AYES—Messrs. Layne of Alleghany, Faulkner, Boak, Irvine of Campbell, Moncure of Caroline, Cardwell, Irving of Cumberland, Segar, Thomas, Scott, Stillman, Wood, Sydnor, Clopton, Maclin of Greenesville, Allen, Hiatt, Welton, Bassel, Lancaster, Boykin, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Houser, Tomlin, Harris, Newman, Arnett, Coleman, Whittle, Tanzey, Gustin, Kilby, Perrow, Robinson, Cowper, Yerby, Booth, Syme, Grasty, Herbert, Rives, Mayo, Cook, Pittman, Conway, Moncure of Stafford, Hargrave, Burdett and Collins—52.

NOES—Messrs. Hopkins, (speaker,) Finney, Hart, Cheatham, Sheffey, Mitchell, Burwell, Hudson, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Harrison of Brunswick, Wills, Barbour, Clarke, Rector, M'Clung, Edwards of Franklin, Baily, Carroll, Price, Stovall, Mullins, Webb, Edwards of Loudoun, Shepard, Clendenin, Beirne of Monroe, Barnett, Pannill, Buswell, Turner, Hiner, Cackley, Wootton, Harrison of Prince William, Goff, Dorman, Paxton, Martz, Harper, Aston, Fugate, Sibert, Thompson of Smyth, George and Boyers—47.

No. 523. An engrossed bill changing the time for the first election of trustees for the town of Hampton, was taken up on motion of Mr. SEGAR, and read a third time and passed.

Ordered, That Mr. SEGAR carry the same to the senate and request their concurrence.

On motion of Mr. SYME, the house resolved itself into a committee of the whole house, Mr. SHEFFEY in the chair; and after some time spent therein, the SPEAKER resumed the chair, a message having been announced from the senate; and the house were informed by Mr. TABLE that the senate had passed the bill, entitled "an act changing the time for the first election of trustees for the town of Hampton," with amendments, in which they requested the concurrence of the house of delegates.

The said amendments being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

The house again resolved itself into a committee of the whole house, Mr. SHEFFEY in the chair, and after some time spent therein, the SPEAKER resumed the chair, and Mr. SHEFFEY reported that the committee had taken into consideration the bill concerning the Civil Code of Virginia, and made progress therein, but not having time to go through the same, had instructed him to ask leave to sit again.

Ordered, That this house will, on to-morrow, again resolve itself into a committee of the whole house to take said bill into consideration.

On motion of Mr. PRICE, the resolution submitted by Mr. HART this morning was taken up and read as follows:

Resolved by the general assembly, That when the two houses adjourn to-day they will adjourn to meet at some other place than the City of Richmond.

And the same being under discussion, Mr. HART demanded that the main question be now put, and it was determined in the negative. Ayes 49, noes 50.

On motion of Mr. Cook, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Hart, Cheatham, Brown, Mitchell, Hudson, Byrne of Braxton, Lewis and Gilmer, Maclin of Brunswick, Harrison of Brunswick, Cardwell, Barbour, Clarke, M'Clung, Howard of Floyd, Edwards of Franklin, Baily, Carroll, Price, Maclin of Greenvsille, Stovall, Bassel, Mullins, Houser, Webb, Shepard, Tanzey, Beirne of Monroe, Kilby, Perrow, Pannill, Buswell, Hiner, Cackley, Herbert, Wootton, Rives, Harrison of Prince William, Goff, Cook, Paxton, Martz, Harper, Fugate, Pittman, Sibert, Thompson of Smyth, Conway and George—49.

NOES—Messrs. Smith, Layne of Alleghany, Sheffield, Burwell, Faulkner, Boak, Wills, Jones, Irving of Cumberland, Segar, Thomas, Scott, Rector, Stillman, Wood, Sydnor, Clopton, Allen, Hiett, Welton, Lancaster, Boykin, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Tomlin, Edwards of Loudoun, Harris, Newman, Arnett, Clendenin, Coleman, Whittle, Barnett, Gustin, Robinson, Cowper, Yerby, Booth, Turner, Syme, Grasty, Mayo, Aston, Griffin, Moncure of Stafford, Hargrave, Burdett and Collins—50.

The question recurred, after discussion, upon the adoption of the resolution, and was determined in the negative. Ayes 47, noes 54.

On motion of Mr. HIETT, the vote was recorded as follows:

AYES—Messrs. Finney, Nock, Hart, Smith, Layne of Alleghany, Cheatham, Brown, Mitchell, Burwell, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, Maclin of Brunswick, Harrison of Brunswick, Wills, Jones, Clarke, Rector, M'Clung, Edwards of Franklin, Baily, Carroll, Price, Stovall, Mullins, Webb, Shepard, Clendenin, Beirne of Monroe, Barnett, Perrow, Buswell, Hiner, Cackley, Wootton, Harrison of Prince William, Goff, Cook, Dorman, Paxton, Martz, Harper, Fugate, Pittman, Sibert, Thompson of Smyth, and George—47.

NOES—Messrs. Hopkins, (speaker,) Faulkner, Irvine of Campbell, Moncure of Caroline, Lacy, Irving of Cumberland, Segar, Thomas, Scott, Howard of Floyd, Stillman, Wood, Sydnor, Clopton, Maclin of Greenvsille, Allen, Hiett, Welton, Bassel, Lancaster, Boykin, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Houser, Tomlin, Edwards of Loudoun, Harris, Newman, Arnett, Coleman, Whittle, Tanzey, Gustin, Kilby, Robinson, Cowper, Yerby, Booth, Pannill, Turner, Syme, Grasty, Herbert, Rives, Mayo, Aston, Griffin, Conway, Moncure of Stafford, Hargrave, Burdett and Collins—54.

A motion was then made by Mr. DORMAN, that the house adopt the following resolution:

Resolved, That with the consent of the senate, when this house adjourns to-day it will adjourn *sine die*.

Pending the consideration of the said resolution,

On motion of Mr. WOOD, the house adjourned until to-morrow 10 o'clock.

FRIDAY, JUNE 1, 1849.

Prayer by the Rev. MOSES D. HOGE of the Presbyterian church.

The SPEAKER laid before the house the following communication from Messrs. John M. Patton and Conway Robinson, which was read, and, on motion of Mr. MONCURE of Stafford, ordered to be laid upon the table :

To H. L. HOPKINS, Esq., *Speaker of the House of Delegates.*

SIR,—Herewith you will receive our final report on the revision of the *Civil Code* of Virginia.

You will be pleased to lay it before the house.

We have the honour to be, respectfully, y^rs, &c. &c. &c.

JNO. M. PATTON,
CON. ROBINSON.

Richmond, 31st May 1849.

Mr. MONCURE of Stafford, from the committee on the revision, presented part 2d and part 3d of the *Civil Code* of Virginia, (bill No. 522,) embracing 14 titles and 56 chapters for part 2d, and 36 titles and 54 chapters for part 3d.

Mr. MONCURE of Stafford, from the committee for courts of justice, presented the following bill :

No. 524. A bill concerning the town of Portsmouth, which was taken up, read the first, and (the rules of the house having been suspended,) the second time, and forthwith engrossed and read a third time and passed.

Ordered, That Mr. COWPER carry the same to the senate and request their concurrence.

Mr. PANNILL, from the committee on the health of the City of Richmond, presented a report, which was read as follows :

The committee after examining various medical gentlemen, report that on yesterday Miss Green, at the house of Mr. Freeman, was taken with the cholera about 8 o'clock and died in the evening. A boy was taken with cholera at the bookstore of Mr. Randolph, as appeared from the preliminary developments, but it was arrested by early attention.

A black woman, by the name of Rachel Daily, was taken near the basin with cholera early on yesterday morning ; was dead this morning.

The case of the hackman at Mr. Graves's, which resulted in death on yesterday, was reported to the house on yesterday. These are the only certain cases of cholera which have been brought to the notice of the committee since their last report. Other cases have been mentioned, but they depend too much upon rumour to rely on.

The doctors disagree whether the cholera prevails in the city as an epidemic.

On motion of Mr. DORMAN,

Ordered, That the same be laid upon the table.

Mr. ROBINSON presented a petition of citizens of the City of Norfolk, praying the extension of the jurisdiction of magistrates to all sums

under fifty dollars; which, on motion of Mr. STOVALL, was ordered to be laid upon the table.

Mr. DORMAN, with the leave of the house, withdrew the resolution submitted by him on yesterday, for the adjournment of the general assembly *sine die*.

A motion was made by Mr. PRICE, that the house adopt the following resolution:

Resolved by the general assembly, That when the two houses adjourn to-day, they will adjourn to meet at some other place than the City of Richmond.

On motion of Mr. SCOTT, the same was amended by striking therefrom the word "to-day," and inserting in lieu thereof the words "on Monday next."

And the question being put upon the resolution as amended, was determined in the affirmative. Ayes 59, noes 45.

On motion of Mr. PANNILL, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Nock, Hart, Layne of Alleghany, Cheatham, Brown, Mitchell, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Harrison of Brunswick, Kyle, Moore, Wills, Irvine of Campbell, Jones, Barbour, Clarke, Thomas, Rector, Howard of Floyd, Stillman, Edwards of Franklin, Baily, Carroll, Price, Stovall, Bassel, Mullins, Webb, Lane of Lee, Harris, Arnett, Shepard, Clendenin, Tanzey, Beirne of Monroe, Barnett, Perrow, Buswell, Cackley, Wootton, Harrison of Prince William, Goff, Dorman, Martz, Harper, Aston, Fugate, Pittman, Sibert, Thompson of Smyth, Conway, George, Harvey and Boyd—59.

NOES—Messrs. Sheffey, Faulkner, Moncure of Caroline, Lacy, Irving of Cumberland, Vaughan, Segar, Scott, Wood, Sydnor, Clopton, Guerrant, Maclin of Greensville, Allen, Hiatt, Welton, Lancaster, Boykin, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Tomlin, Edmondson, Newman, Coleman, Whittle, Gustin, Cowper, Yerby, Booth, Pannill, Turner, Syme, Townes, Grasty, Herbert, Rives, Mayo, Cook, Moncure of Stafford, Hargrave, Burdett, Goodson and Collins—45.

Ordered, That Mr. STOVALL carry the same to the senate and request their concurrence.

The SPEAKER laid before the house the following communication from GEORGE W. KYLE, Esq., which was read, and on motion of Mr. STOVALL, ordered to be laid upon the table, viz:

CITY OF RICHMOND, June 1st, 1849.

*To the Speaker of the House of Delegates
of the General Assembly of Virginia.*

SIR,—I hereby tender to the legislature my resignation of a seat in your body as a delegate from the county of Buckingham.

I am yours, with due respect, &c.

GEORGE W. KYLE.

On motion of Mr. PERROW,

Resolved, That the SPEAKER of this house issue a writ of election for a member to supply the vacancy occasioned by the resignation of

George W. Kyle, a member from the county of Buckingham, which election shall be held on the second Monday in the present month.

On motion of Mr. PANNILL, the house resolved itself into a committee of the whole house, Mr. SHEFFEY in the chair; and after some time spent therein, the SPEAKER resumed the chair, and Mr. SHEFFEY reported that the committee had taken into consideration the bill concerning the Civil Code of Virginia, part I, and made progress therein, but not having time to go through the same, had instructed him to ask leave to sit again.

Ordered, That the house will again on to-morrow resolve itself into a committee of the whole house to take said bill into consideration.

On motion of Mr. PITTMAN, the house adjourned until to-morrow 10 o'clock.

SATURDAY, JUNE 2, 1849.

Prayer by the Rev. THOMAS V. MOORE of the Presbyterian church.
A communication from the senate by their clerk :

IN SENATE, JUNE 1, 1849.

The senate have passed the bill, entitled
"An act concerning the town of Portsmouth." (No. 524.)

On motion of Mr. BASSEL,

Resolved by the general assembly of Virginia, That all the orders, decrees, judgments and other proceedings had and done by the county court of Harrison on the fourth week in February, be confirmed and established, in as full and ample a manner as if the said proceedings had been had on the first Thursday after the first Monday in February.

Ordered, That Mr. BASSEL carry the same to the senate and request their concurrence.

A motion was made by Mr. WILLS, that the house adopt the following resolution :

Resolved, That a special committee of five be appointed to bring in a bill to explain an act, entitled "an act authorizing a subscription for the commonwealth to the stock of the Virginia and Tennessee railroad company," passed March 6th, 1849.

On motion of Mr. YERBY, the said resolution was ordered to be laid upon the table. Ayes 65, noes 24.

On motion of Mr. RIVES, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Nock, Hart, Sheffey, Brown, Faulkner, Boak, De Camps, Harrison of Brunswick, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Vaughan, Clarke, Thomas, Scott, Rector, Stillman, Edwards of Franklin, Wood, Sydnor, Price, Maclin of Greenvsille, Stovall, Allen, Hiatt, Darracott, Welton, Boykin, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Houser, Tomlin, Webb, Edwards of Loudoun, Edmondson, Newman, Shepard, Clendenin, Coleman, Beirne of Monroe, Yerby, Buswell, Turner, Syme, Grasty, Cackley,

Herbert, Wootton, Rives, Harrison of Prince William, Mayo, Dorman, Martz, Harper, Pittman, Sibert, Conway, Moncure of Stafford, Nicholson and Collins—65.

NOES—Messrs. Layne of Alleghany, Cheatham, Mitchell, Hudson, Byrne of Braxton, Lewis and Gilmer, Moore, Wills, Irvine of Campbell, Irving of Cumberland, Segar, Howard of Floyd, Guerrant, Carroll, Lancaster, Lane of Lee, Barnett, Robinson, Cowper, Townes, Cook, Aston, Fugate, George and Boyd—24.

On motion of Mr. **RIVES**, the house resolved itself into a committee of the whole house, Mr. **SHEFFEY** in the chair; and after some time spent therein, the **SPEAKER** resumed the chair, and Mr. **SHEFFEY** reported that the committee had taken into consideration the bill concerning the Civil Code of Virginia, part I, and made some progress therein, but being without a quorum, he reported the fact to the house.

A motion was made by Mr. **SCOTT**, that the house do now adjourn, and it was determined in the negative. Ayes 32, noes 53.

On motion of Mr. **DORMAN**, the vote was recorded as follows:

AYES—Messrs. Sheffey, Brown, De Camps, Wills, Moncure of Caroline, Lacy, Irving of Cumberland, Thomas, Scott, Stillman, Wood, Sydnor, Clifton, Guerrant, Hiatt, Lancaster, Howard of James City, York and Williamsburg, Worthington, Wallace, Houser, Whittle, Gustin, Cowper, Yerby, Turner, Townes, Mayo, Pittman, Moncure of Stafford, Nicholson, Burdett and Goodson—32.

NOES—Messrs. Hopkins, (speaker,) Finney, Hart, Layne of Alleghany, Cheatham, Mitchell, Hudson, Byrne of Braxton, Lewis and Gilmer, Maclin of Brunswick, Harrison of Brunswick, Cardwell, Jones, Clarke, Rector, Howard of Floyd, Edwards of Franklin, Carroll, Price, Maclin of Greenville, Stovall, Darracott, Welton, Bassel, Tomlin, Webb, Lane of Lee, White, Edwards of Loudoun, Newman, Shepard, Clendenin, Tanzey, Beirne of Monroe, Barnett, Perrow, Robinson, Pannill, Grasty, Herbert, Wootton, Harrison of Prince William, Goff, Cook, Dorman, Martz, Aston, Fugate, Thompson of Smyth, Conway, George, Boyers, Collins and Boyd—53.

A motion was made by Mr. **HARRISON** of Prince William, that the house take a recess until 4 o'clock; and thereupon Mr. **DORMAN** demanded that the main question be now put, and the question being on sustaining the previous question, was determined in the affirmative. Ayes 72, noes 8.

On motion of Mr. **BASSEL**, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Hart, Layne of Alleghany, Cheatham, Sheffey, Brown, Mitchell, Faulkner, Hudson, De Camps, Maclin of Brunswick, Harrison of Brunswick, Wills, Moncure of Caroline, Cardwell, Jones, Irving of Cumberland, Segar, Clarke, Rector, Howard of Floyd, Stillman, Edwards of Franklin, Guerrant, Carroll, Price, Maclin of Greenville, Stovall, Hiatt, Darracott, Welton, Bassel, Lancaster, Worthington, Thomson of Jefferson, Wallace, Houser, Tomlin, Webb, Lane of Lee, White, Edwards of Loudoun, Newman, Shepard, Clendenin, Whittle, Beirne of Monroe, Gustin, Perrow, Turner, Townes, Grasty, Cackley, Herbert, Wootton, Harrison of Prince William, Mayo, Cook, Dorman, Martz, Aston, Fugate, Pittman, Thompson of Smyth, Conway, Nicholson, Burdett, George, Boyers, Collins and Boyd—72.

NOES—Messrs. Lacy, Thomas, Wood, Howard of James City, York and Williamsburg, Tanzey, Cowper, Moncure of Stafford, and Goodson—8.

The question was then put upon taking the recess, and it was determined in the affirmative, and the chair was vacated accordingly.

A further communication from the senate by their clerk was read as follows:

IN SENATE, JUNE 2, 1849.

The senate have agreed to the resolution for adjourning the general assembly to some other place than the City of Richmond.

On motion of Mr. PRICE,

Resolved, That in selecting the place to which the general assembly intends to remove, if no place named shall receive a majority of votes the house shall proceed to another vote, dropping the place having the smallest vote, and so on till a selection be made.

A motion was made by Mr. PRICE that the house adopt the following resolution:

Resolved, That when the general assembly adjourns on Monday next, it will adjourn to meet at _____, on the day of _____, at 12 o'clock.

The following places were named to fill the first blank, to wit:

By Mr. CONWAY, "the Fauquier White Sulphur springs."

By Mr. HART, "Charlottesville."

By Mr. PANNILL, "Staunton."

By Mr. HIETT, "the City of Richmond."

By Mr. PRICE, "the White Sulphur springs in the county of Greenbrier."

By Mr. COOK, "the Sweet springs in the county of Monroe."

By Mr. BOOTH, "the Amelia springs."

By Mr. SYME, "the Huguenot springs."

By Mr. BEIRNE, "the Salt Sulphur springs in the county of Monroe."

Mr. CONWAY demanded that the main question be now put, and it was sustained by the house, and being put resulted as follows:

For the Fauquier White Sulphur Springs—Messrs. Finney, Faulkner, De Camps, Lacy, Jones, Barbour, Rector, Stillman, Webb, White, Edwards of Loudoun, Shepard, Harrison of Prince William, and Conway—14.

For the town of Charlottesville—Messrs. Nock, Hart, Brown, Mitchell, Wills, Clarke, Edwards of Franklin, Guerrant and Perrow—9.

For the town of Staunton—Messrs. Sheffey, Boak, Howard of Floyd, Bassel, Mullins, Lane of Lee, Pannill, Buswell, Cackley, Goff, Martz, Harper, Sibert, Thompson of Smyth, and Boyd—15.

For the City of Richmond—Messrs. Moore, Moncure of Caroline, Cardwell, Irving of Cumberland, Vaughan, Segar, Thomas, Scott, Claiborne, Wood, Sydnor, Clopton, Carroll, Hiett, Darracott, Welton, Lancaster, Boykin, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Houser, Tomlin, Ferguson, Harrison of Loudoun, Edmondson, Newman, Coleman, Whittle, Gustin, Robinson, Cowper, Yerby, Booth, Turner, Syme, Townes, Grasty, Herbert, Rives, Mayo, Pittman, Moncure of Stafford, Nicholson, Burdett, Goodson and Collins—48.

For the White Sulphur Springs—Mr. Samuel Price—1.

For the Sweet Springs—Messrs. Layne of Alleghany, Hudson, Barnett, Wootton and Cook—5.

For the Huguenot Springs—Mr. Speaker—1.

For the Salt Sulphur Springs—Messrs. Cheatham, Irvine of Campbell, Stovall, Clendenin, Beirne of Monroe, Dorman, Aston, Fugate and George—9.
For the town of Winchester—Messrs. Allen and Tanzey—2.

There being 104 votes given, and 53 being necessary to a choice, there was no selection.

Mr. PRICE then withdrew the name of the White Sulphur springs.

A motion was then made by Mr. PANNILL that the said resolution be indefinitely postponed, and it was determined in the affirmative. Ayes 53, noes 51.

On motion of Mr. HART, the vote was recorded as follows :

AYES—Messrs. Faulkner, Boak, Moore, Moncure of Caroline, Lacy, Cardwell, Irving of Cumberland, Vaughan, Segar, Thomas, Scott, Claiborne, Wood, Sydnor, Clopton, Guerrant, Carroll, Hiatt, Darracott, Welton, Lancaster, Boykin, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Tomlin, Ferguson, Harrison of Loudoun, Edmondson, Newman, Coleman, Whittle, Gustin, Robinson, Cowper, Yerby, Booth, Pannill, Turner, Syme, Townes, Grasty, Herbert, Rives, Mayo, Cook, Pittman, Moncure of Stafford, Nicholson, Burdett, Goodson and Collins—53.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Hart, Layne of Alleghany, Cheatham, Sheffey, Brown, Mitchell, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Wills, Irvine of Campbell, Jones, Barbour, Clarke, Rector, Howard of Floyd, Stillman, Edwards of Franklin, Price, Stovall, Bassel, Mullins, Houser, Webb, Lane of Lee, White, Edwards of Loudoun, Shepard, Clendenin, Tanzey, Beirne of Monroe, Barnett, Perrow, Buswell, Cackley, Wootton, Harrison of Prince William, Goff, Dorman, Martz, Harper, Aston, Fugate, Sibert, Thompson of Smyth, Conway, George and Boyd—51.

On motion of Mr. SYME, the house then adjourned until Monday morning 10 o'clock.

MONDAY, JUNE 4, 1849.

Prayer by the Rev. PHILIP COURTNEY of the Methodist church.

A communication from the senate by their clerk was read as follows :

IN SENATE, JUNE 2, 1849.

The senate have agreed to the resolution to legalize proceedings of the county court of the county of Harrison.

On motion of Mr. FAULKNER,

Resolved by the general assembly of Virginia, That the secretary of the commonwealth do deliver to each member of the senate and house of delegates a copy of the half bound acts of the winter session of the present general assembly of this state.

Ordered, That Mr. FAULKNER carry the same to the senate and request their concurrence.

A motion was made by Mr. THOMAS that the house adopt the following resolution :

Resolved by the general assembly, That when the two houses adjourn to-day, they will adjourn to meet on Monday, the 11th instant, at the Fauquier White Sulphur springs.

A motion was made by Mr. Cook, to amend the same by striking therefrom the words "Fauquier White Sulphur springs," and inserting in lieu thereof the words "the Sweet springs in the county of Monroe;" thereupon, Mr. SHEFFEY asked for a division of the question, and being first put upon striking out the words "Fauquier White Sulphur springs," was determined in the affirmative. Ayes 59, noes 42.

On motion of Mr. SHEFFEY, the vote was recorded as follows:

AYES—Messrs. Layne of Alleghany, M'Cue, Sheffey, Brown, Mitchell, Byrne of Braxton, Lewis and Gilmer, Harrison of Brunswick, Moore, Wills, Cardwell, Irving of Cumberland, Segar, Claiborne, Edwards of Franklin, Wood, Sydnor, Clopton, Guerrant, Price, Allen, Bassel, Mullins, Boykin, Wallace, Tomlin, Lane of Lee, Harrison of Loudoun, Edmondson, Newman, Clendenin, Coleman, Tanzey, Beirne of Monroe, Barnett, Cowper, Pannill, Buswell, Turner, Grasty, Cackley, Wootton, Rives, Goff, Mayo, Cook, Dorman, Martz, Harper, Aston, Fugate, Pittman, Sibert, Thompson of Smyth, Nicholson, George, Boyers, Goodson, Collins and Boyd—59.

NOES—Messrs. Hopkins, (speaker,) Nock, Hart, Boisseau, Faulkner, Boak, De Camps, Irvine of Campbell, Moncure of Caroline, Lacy, Jones, Barbour, Vaughan, Clarke, Thomas, Scott, Rector, Stillman, Carroll, Hiatt, Darracott, Lancaster, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Webb, Ferguson, White, Edwards of Loudoun, Shepard, Whittle, Gustin, Perrow, Robinson, Yerby, Booth, Syme, Townes, Herbert, Harrison of Prince William, Conway and Burdett—42.

The question was then put upon inserting the words "Sweet springs in the county of Monroe," and was determined in the negative. Ayes 35, noes 65.

On motion of Mr. YERBY, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Hart, Layne of Alleghany, Brown, Mitchell, Cardwell, Irving of Cumberland, Segar, Claiborne, Edwards of Franklin, Guerrant, Price, Stovall, Bassel, Mullins, Lane of Lee, Edmondson, Shepard, Clendenin, Beirne of Monroe, Barnett, Robinson, Cackley, Wootton, Goff, Mayo, Cook, Dorman, Aston, Fugate, Sibert, Thompson of Smyth, George, Goodson and Boyd—35.

NOES—Messrs. Nock, Boisseau, Sheffey, Faulkner, Boak, De Camps, Moore, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Jones, Barbour, Vaughan, Clarke, Thomas, Scott, Rector, Stillman, Wood, Sydnor, Clopton, Carroll, Allen, Hiatt, Darracott, Lancaster, Boykin, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Tomlin, Webb, Ferguson, White, Harrison of Loudoun, Edwards of Loudoun, Newman, Coleman, Whittle, Tanzey, Gustin, Perrow, Cowper, Yerby, Booth, Pannill, Buswell, Turner, Syme, Townes, Grasty, Herbert, Rives, Harrison of Prince William, Martz, Harper, Pittman, Conway, Moncure of Stafford, Nicholson, Burdett, Boyers and Collins—65.

On motion of Mr. DORMAN, the vote agreeing to strike out the words "Fauquier White Sulphur springs," was reconsidered, and the words restored to the resolution.

A motion was then made by Mr. SHEFFEY, to strike out the same words, and insert the words "town of Staunton," and it was determined in the negative. Ayes 31, noes 70.

On motion of Mr. SHEFFEY, the vote was recorded as follows:

AYES—Messrs. Layne of Alleghany, M'Cue, Sheffey, Byrne of Braxton, Lewis and Gilmer, Wills, Guerrant, Price, Allen, Mullins, Houser, Lane of

Lee, Harrison of Loudoun, Shepard, Clendenin, Beirne of Monroe, Pannill, Buswell, Turner, Grasty, Cackley, Wootton, Goff, Martz, Harper, Fugate, Pittman, Sibert, Thompson of Smyth, Burdett, George and Boyers—31.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Hart, Boisseau, Brown, Mitchell, Faulkner, Boak, De Camps, Moore, Moncure of Caroline, Lacy, Jones, Barbour, Irving of Cumberland, Vaughan, Segar, Clarke, Thomas, Scott, Rector, Stillman, Claiborne, Wood, Sydnor, Clopton, Carroll, Stovall, Major, Hiett, Darracott, Bassel, Lancaster, Boykin, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Tomlin, Webb, Ferguson, White, Edwards of Loudoun, Edmondson, Newman, Coleman, Whittle, Tanzey, Barnett, Gustin, Perrow, Robinson, Cowper, Yerby, Booth, Syme, Townes, Herbert, Rives, Harrison of Prince William, Mayo, Cook, Dorman, Aston, Conway, Moncure of Stafford, Nicholson, Collins and Boyd—70.

The question was then put upon adopting the resolution, and was determined in the affirmative. Ayes 59, noes 41.

On motion of Mr. RIVES, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Finney, Nock, Hart, Boisseau, Sheffey, Brown, Mitchell, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Moore, Irvine of Campbell, Lacy, Jones, Barbour, Vaughan, Segar, Clarke, Thomas, Scott, Rector, Stillman, Claiborne, Price, Stovall, Major, Darracott, Bassel, Lancaster, Howard of James City, York and Williamsburg, Webb, Lane of Lee, Ferguson, White, Edwards of Loudoun, Edmondson, Shepard, Clendenin, Whittle, Barnett, Perrow, Robinson, Pannill, Buswell, Syme, Cackley, Harrison of Prince William, Goff, Mayo, Cook, Dorman, Aston, Pittman, Sibert, Conway, George, Collins and Boyd—59.

NOES—Messrs. Layne of Alleghany, M'Cue, Faulkner, Harrison of Brunswick, Wills, Moncure of Caroline, Wood, Sydnor, Clopton, Guerrant, Carroll, Hiett, Mullins, Boykin, Worthington, Thomson of Jefferson, Wallace, Houser, Tomlin, Harrison of Loudoun, Newman, Coleman, Tanzey, Beirne of Monroe, Cowper, Yerby, Booth, Turner, Townes, Grasty, Herbert, Wootton, Rives, Martz, Harper, Fugate, Moncure of Stafford, Nicholson, Burdett, Boyers and Goodson—41.

Ordered, That Mr. THOMAS carry the same to the senate and request their concurrence.

A message was received from the senate by Mr. ROGERS, who informed the house that the senate agreed to the resolution to distribute to the members of the general assembly copies of the acts of the winter session of 1848-49; and to the resolution for adjourning the general assembly to the Fauquier White Sulphur Springs.

On motion of Mr. SCOTT,

Resolved, That the public printer be authorized to make provision for transmitting to and from the Fauquier White Sulphur Springs such printing as has been or may be directed by the revisors, or the committee on revision, or may be ordered by the house of delegates.

On motion of Mr. SCOTT,

Resolved, That the clerk of this house be authorized to remove from his office to the Fauquier White Sulphur Springs such records and papers as he may think necessary for the action of the general assembly during its present session.

On motion of Mr. SCOTT, the house adjourned to meet at the Fauquier White Sulphur Springs on Monday next at 10 o'clock.

FAUQUIER WHITE SULPHUR SPRINGS,

MONDAY, June 11, 1849.

Pursuant to the order of adjournment, under the joint resolution, fixing the Fauquier White Sulphur Springs as the place for the meeting of the general assembly, at 10 o'clock the **SPEAKER** resumed the chair, and a quorum of the house of delegates being present :

On motion of **Mr. Scott**, the house resolved itself into a committee of the whole house, **Mr. SHEFFEY** in the chair; and after some time spent therein, the **SPEAKER** resumed the chair, and **Mr. SHEFFEY** reported that the committee of the whole house had, according to order, taken into consideration a bill concerning the Civil Code of Virginia, part I, and made further progress therein, but not having time to complete the same, had instructed him to ask leave to sit again.

Ordered, That the house will, on to-morrow, again resolve itself into a committee of the whole house to take the said bill into consideration.

On motion of **Mr. Scott**, the house adjourned until to-morrow morning 10 o'clock.

TUESDAY, JUNE 12, 1849.

On motion of **Mr. Scott**, the house resolved itself into a committee of the whole house, **Mr. SHEFFEY** in the chair; and after some time spent therein, the **SPEAKER** resumed the chair, and **Mr. SHEFFEY** reported that the committee of the whole house had, according to order, taken into consideration a bill concerning the Civil Code of Virginia, part I, and having found itself without a quorum, had instructed him to report the fact to the house.

A motion was made by **Mr. DORMAN**, that the house do now adjourn, and it was determined in the negative.

A motion was then made by **Mr. DORMAN**, that the house take a recess until 4 o'clock, and it was determined in the affirmative. Ayes 42, noes 26.

On motion of **Mr. M'CUE**, the vote was recorded as follows :

AYES—Messrs. Finney, Nock, Layne of Alleghany, Cheatham, M'Cue, Mitchell, Burwell, Byrne of Braxton, Lewis and Gilmer, Moore, Cardwell, Jones, Clarke, Rector, Howard of Floyd, Stillman, Edwards of Franklin, Wood, Bailly, Carroll, Price, Major, Hiatt, Bassel, Laidley, Webb, Ferguson, Harris, Newman, Shepard, Barnett, Buswell, Turner, Townes, Cackley, Fairfax, Goff, Aston, Pittman, Sibert, Thompson of Smyth, George and Boyers—42.

NOES—Messrs. Hopkins, (speaker,) Watson, Smith, Sheffey, Moncure of Caroline, Irving of Cumberland, Vaughan, Scott, Sydnor, Worthington, Thomson of Jefferson, Edwards of Loudoun, Clendenin, Tanzey, Beirne of Monroe, Gustin, Perrow, Yerby, Syme, Grasty, Cook, Dorman, Fugate, Burdett, Massey and Goodson—26.

At 4 o'clock the **SPEAKER** resumed the chair.

A motion was then made by Mr. **SCOTT**, that the house again resolve itself into a committee of the whole house; and the question being put thereupon, it appeared that there was no quorum present. Ayes 60, no 1.

On motion of Mr. **PRICE**, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Nock, Watson, Smith, Cheatham, M'Cue, Sheffey, Mitchell, Burwell, Hudson, Moore, Moncure of Caroline, Cardwell, Jones, Barbour, Irving of Cumberland, Vaughan, Clarke, Scott, Rector, Stillman, Edwards of Franklin, Wood, Baily, Price, Major, Bassel, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Webb, Ferguson, Harris, Newman, Shepard, Clendenin, Tanzey, Beirne of Monroe, Barnett, Gustin, Perrow, Yerby, Buswell, Turner, Townes, Grasty, Fairfax, Goff, Dorman, Aston, Pittman, Sibert, Thompson of Smyth, Burdett, George, Boyers, Massey and Collins—60.

No—Mr. Howard of Floyd—1.

After some time a quorum appearing, on motion of Mr. **MOORE**, the house resolved itself into a committee of the whole house, Mr. **SHEFFEY** in the chair; and after some spent therein, the **SPEAKER** resumed the chair, and Mr. **SHEFFEY** reported that the committee, according to order, had taken into consideration a bill concerning the Civil Code of Virginia, part I, and made progress therein, and asked leave to sit again.

Ordered, That the house will, on to-morrow, again resolve itself into a committee of the whole house to take said bill into consideration.

A motion was made by Mr. **WATSON**, that the house adopt the following resolution:

Resolved, That after to-day this house will meet at half past nine o'clock in the morning, and adjourn at half past two o'clock in the evening.

The same was amended, on motion of Mr. **COOK**, by striking therefrom the words "and adjourn at half past two o'clock in the evening."

And as amended, the resolution was agreed to.

On motion of Mr. **COOK**, the house adjourned until half past 9 o'clock to-morrow morning.

WEDNESDAY, JUNE 13, 1849.

On motion of Mr. **COOK**, the house resolved itself into a committee of the whole house, Mr. **SHEFFEY** in the chair; and after some time spent therein, the **SPEAKER** resumed the chair, and Mr. **SHEFFEY** reported that the said committee had, according to order, taken into consideration a bill concerning the Civil Code of Virginia, part I, and made progress therein, but not having time to finish the same, had instructed him to ask leave to sit again.

Ordered, That this house will again, on to-morrow, resolve itself

into a committee of the whole house to take said bill into consideration.

On motion of Mr. DORMAN, the house adjourned until to-morrow half past 9 o'clock.

THURSDAY, JUNE 14, 1849.

On motion of Mr. SCOTT, the house resolved itself into a committee of the whole house, Mr. SHEFFEY in the chair; and after some time spent therein, the SPEAKER resumed the chair, and Mr. SHEFFEY reported that the committee had taken into consideration a bill concerning the Civil Code of Virginia, part I, and made sundry amendments thereto, which, together with the bill, he reported to the house.

A motion was made by Mr. SCOTT, that the house adopt the following resolution:

Resolved, That one vote be taken upon all the amendments proposed to the bill under consideration, proposed by the committee of the whole.

And the question being put thereupon, was determined in the negative. Ayes 14, noes 68.

On motion of Mr. FERGUSON, the vote was recorded as follows:

AYES—Messrs. Smith, Byrne of Braxton, Lewis and Gilmer, Moore, Thomas, Scott, Sydnor, Bassel, Laidley, Harrison of Loudoun, Yerby, Grasty, Aston, Thompson of Smyth, and Harvey—14.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Watson, Layne of Alleghany, Cheatham, M'Cue, Sheffey, Brown, Mitchell, Burwell, Boak, Hudson, De Camps, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Vaughan, Clarke, Rector, Howard of Floyd, Edwards of Franklin, Wood, Baily, Carroll, Price, Major, Hiatt, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Webb, Ferguson, Edwards of Loudoun, Harris, Newman, Shepard, Tanzey, Beirne of Monroe, Barnett, Gustin, Perrow, Butt, Buswell, Turner, Syme, Townes, Cackley, Rives, Goff, Strother, Cook, Paxton, Martz, Harper, Fugate, Pittman, Sibert, Moncure of Stafford, Burdett, George, Boyers, Massey, Collins and Boyd—68.

On motion of Mr. SHEFFEY,

Resolved, That the amendments of the committee of the whole, unless objected to by some member, shall be considered as acquiesced in by the house, as they are reported by the chair, without the form of putting the question on each separately.

Under the said resolution, sundry amendments of the committee of the whole house were read and agreed to.

The 7th chapter, 2d section, is the following:

"The poll shall not be opened at any election sooner than sunrise, and shall be closed at *sunset*. But if the electors who appear at any place of voting cannot all be polled before sunset, or if it shall appear to the commissioners superintending the election at any place, that many of those entitled to vote were prevented from attending by bad weather, or any other cause, they shall keep the poll open for a term of three days, including the first."

The committee of the whole house proposed to strike out all of the section after the word "*sunset*," at the end of the first sentence.

A motion was made by Mr. PRICE, to amend the said amendment by inserting in lieu of the words proposed to be stricken out, the following:

"But if the electors who appear at any courthouse cannot be polled before sunset, or if it shall appear to the commissioners superintending the election at any courthouse that many persons entitled to vote were prevented from attending by bad weather or high water, and they shall be so required by any candidate or his representative, they may and shall keep the poll open for a term of three days, including the first. Nothing, however, herein contained shall be construed to authorize the poll at any precinct to be kept open for more than one day."

And the question being put upon adopting the amendment to the amendment, was determined in the negative. Ayes 17, noes 66.

On motion of Mr. RIVES, the vote was recorded as follows:

AYES—Messrs. M'Cue, Mitchell, Burwell, Boak, Hudson, De Camps, Lacy, Thomas, Price, Worthington, Harrison of Loudoun, Edwards of Loudoun, Gustin, Cook, Dorman, Harvey and Boyd—17.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Watson, Smith, Layne of Alleghany, Cheatham, Sheffey, Brown, Byrne of Braxton, Lewis and Gilmer, Moore, Wills, Moncure of Caroline, Cardwell, Jones, Barbour, Irving of Cumberland, Vaughan, Clarke, Scott, Rector, Howard of Floyd, Edwards of Franklin, Wood, Sydnor, Baily, Carroll, Major, Hiatt, Bassel, Howard of James City, York and Williamsburg, Thomson of Jefferson, Laidley, Webb, Ferguson, Harris, Newman, Shepard, Tanzey, Beirne of Monroe, Perrow, Butt, Yerby, Buswell, Turner, Syme, Townes, Grasty, Cackley, Rives, Goff, Strother, Paxton, Martz, Harper, Aston, Fugate, Pittman, Sibert, Thompson of Smyth, Moncure of Stafford, Burdett, George, Boyers, Massey and Collins—66.

The question was then put upon adopting the said amendment proposed by the committee, and was determined in the negative. Ayes 38, noes 45.

On motion of Mr. RIVES, the vote was recorded as follows:

AYES—Messrs. Finney, Nock, Watson, Smith, Layne of Alleghany, Sheffey, Mitchell, Burwell, Boak, Hudson, De Camps, Wills, Lacy, Cardwell, Irving of Cumberland, Thomas, Scott, Rector, Howard of Floyd, Price, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Webb, Edwards of Loudoun, Perrow, Yerby, Turner, Syme, Grasty, Goff, Strother, Cook, Dorman, Aston, Burdett and Harvey—38.

NOES—Messrs. Hopkins, (speaker,) Cheatham, M'Cue, Brown, Byrne of Braxton, Lewis and Gilmer, Moore, Moncure of Caroline, Jones, Barbour, Vaughan, Clarke, Edwards of Franklin, Wood, Sydnor, Baily, Carroll, Major, Hiatt, Bassel, Ferguson, Harrison of Loudoun, Harris, Newman, Shepard, Tanzey, Beirne of Monroe, Gustin, Butt, Buswell, Townes, Cackley, Rives, Paxton, Martz, Harper, Fugate, Pittman, Sibert, Thompson of Smyth, Moncure of Stafford, George, Boyers, Massey, Collins and Boyd—45.

The committee proposed to amend the bill in the 35th chapter and first section, by giving to the county of Roanoke two commissioners of the revenue, and by another amendment, to add to the 91st section of the same chapter a clause, providing that the salary of the two

commissioners of the revenue of the said county of Roanoke shall be one hundred and fifty dollars a year between the two; and the said amendments being read, were severally disagreed to by the house.

The 17th chapter of the bill, and 19th section, provides, that "In any case wherein the governor has power, under the constitution and laws, to grant a pardon, instead of granting the same unconditionally, he may, after sentence, upon the petition of the person sentenced, grant him a pardon upon such conditions, with such restrictions and under such limitations, as may be deemed proper by the governor, and be assented to by the petitioner. And for the purpose of carrying into effect such conditional pardon, he may issue his order or warrant, directed to any proper officer, which shall be obeyed and executed, instead of the sentence that was originally awarded. Especially it shall be the duty of the superintendent of the penitentiary to receive therein on such order or warrant any person convicted of any crime punishable with death, who shall be pardoned on condition of being confined in the penitentiary, either for life or for a term of years, and to confine such person according to the terms of such condition."

It was proposed by the committee of the whole to strike out this section, and insert in lieu thereof the following:

Sec. 19. "He shall not grant a pardon to any person sentenced for a crime or misdemeanor by the judgment of a court, upon the ground that the conviction on which such sentence was founded was, in his opinion, either contrary to evidence, or without sufficient evidence, or contrary to law; but nothing herein contained shall prevent a pardon, if the convict be recommended to mercy by the jury which sat on his trial, the court which pronounced the judgment, or the general court; nor when facts discovered since the trial, or not in evidence before the jury, make it proper; nor prevent the granting a reprieve until the end of the next session of the general assembly."

And the question being put upon adopting the said amendment, was determined in the affirmative. Ayes 41, noes 31.

On motion of Mr. FERGUSON, the vote was recorded as follows:

AYES—Messrs. Finney, Watson, Smith, M'Cue, Sheffey, Mitchell, Burwell, Hudson, Byrne of Braxton, Lewis and Gilmer, Moore, Lacy, Cardwell, Barbour, Irving of Cumberland, Clarke, Thomas, Scott, Rector, Howard of Floyd, Price, Bassel, Howard of James City, York and Williamsburg, Webb, Edwards of Loudoun, Harris, Shepard, Beirne of Monroe, Gustin, Perrow, Buswell, Turner, Syme, Townes, Grasty, Dorman, Aston, Thompson of Smyth, Burdett, Massey, Harvey and Boyd—41.

NOES—Messrs. Hopkins, (speaker,) Layne of Alleghany, Cheatham, Brown, Moncure of Caroline, Jones, Vaughan, Edwards of Franklin, Wood, Sydnor, Baily, Carroll, Major, Hiatt, Ferguson, Harrison of Loudoun, Newman, Tanzey, Cackley, Rives, Paxton, Martz, Harper, Fugate, Pittman, Sibert, Moncure of Stafford, George, Boyers, Goodson and Collins—31.

The committee of the whole proposed to amend the 17th chapter, by striking out the 20th and 21st sections, and substituting therefor a section in lieu thereof; and a motion was made by Mr. SHEFFEY to amend the said amendment; and pending the consideration thereof,

On motion of Mr. PRICE, the house adjourned until to-morrow morning half past nine o'clock.

FRIDAY, JUNE 15, 1849.

A bill concerning the Civil Code of Virginia, part I, with the amendments thereto proposed by the committee of the whole house, was taken up.

The committee of the whole proposed to amend the 17th chapter, by striking out the 20th and 21st sections, and inserting in lieu thereof another section.

The said sections are the following :

Sec. 20. " In the case of a slave under sentence of death, the governor may, without any petition or assent by him, or on his behalf, order a commutation of the punishment.

Sec. 21. " If the governor order the punishment to be commuted to transportation, he shall cause the slave to be sold, and the purchaser, before delivery to him of the slave, shall pay into the treasury the price agreed to be paid, and shall enter into bond, approved by the governor, in the penalty of one thousand dollars, conditioned that the slave shall, within three months, be transported beyond the limits of the United States, and shall never afterwards return into the state."

The amendment proposed by the committee of the whole house, proposed to substitute for the said sections the following :

" If a slave be sentenced to sale and transportation beyond the limits of the United States, the governor shall cause him to be sold ; and the purchaser, before delivery to him of the slave, shall pay into the treasury the price agreed, and enter into bond, approved by the governor, in the penalty of one thousand dollars, conditioned that the slave shall, within three months, be transported beyond the limits of the United States, and shall never afterwards return into this state."

The amendment to the said amendment, proposed by Mr. SHEFFEY on yesterday, was withdrawn by him, with the leave of the house.

On motion of Mr. MONCURE of Stafford, the amendment of the committee was amended, and as amended agreed to as follows :

" In the case of a slave under sentence of death, the governor may order a commutation of the punishment, by directing that such slave be sold, to be transported beyond the limits of the United States ; the governor shall cause him to be sold, and the purchaser, before delivery to him of the slave, shall pay into the treasury the price agreed, and enter into bond, approved by the governor, in the penalty of one thousand dollars, conditioned that the slave shall, within three months, be transported beyond the limits of the United States, and shall never afterwards return into this state."

All the other amendments proposed by the committee of the whole house, were concurred in.

The said bill was still further amended on motions of Messrs. FERGUSON, MAYO and WORTHINGTON."

The 7th chapter of the bill contained the following as its 2d section :

Sec. 2. " The poll shall not be opened at any election sooner than sunrise and shall be closed at sunset. *But if the electors who appear*

at any place of voting cannot all be polled before sunset, or if it shall appear to the commissioners superintending the election at any place, that many of those entitled to vote were prevented from attending by bad weather or any other cause, they shall keep the poll open for a term of three days, including the first."

A motion was made by Mr. IRVING of Cumberland, to strike out the words in *italics*, and insert in lieu thereof the following:

"But if the electors who appear at any place of voting cannot all be polled before sunset, or if it shall appear to the commissioners that many of those entitled to vote were prevented from attending by rain or rise of watercourses, said commissioners shall keep the polls open for three days, including the first."

And the question being put thereupon, was determined in the affirmative. Ayes 48, noes 45.

On motion of Mr. RIVES, the vote was recorded as follows:

AYES—Messrs. Finney, Watson, Smith, M'Cue, Sheffey, Mitchell, Burwell, Boak, De Camps, Lacy, Cardwell, Barbour, Irving of Cumberland, Clarke, Thomas, Scott, Rector, Stillman, Wood, Sydnor, Price, Darracott, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Wallace, Harrison of Loudoun, Edwards of Loudoun, Barnett, Gustin, Perrow, Yerby, Turner, Syme, Townes, Grasty, Goff, Strother, Mayo, Cook, Dorman, Aston, Fugate, Thompson of Smyth, Burdett, Harvey and Boyd—48.

NOES—Messrs. Hopkins, (speaker,) Nock, Layne of Alleghany, Cheatham, Brown, Hudson, Byrne of Braxton, Lewis and Gilmer, Maclin of Brunswick, Moore, Moncure of Caroline, Jones, Vaughan, Howard of Floyd, Edwards of Franklin, Baily, Carroll, Major, Hiatt, Bassel, Mullins, Tomlin, Webb, Lane of Lee, Ferguson, Harris, Newman, Shepard, Tanzey, Beirne of Monroe, Butt, Buswell, Cackley, Rives, Paxton, Martz, Harper, Pittman, Sibert, Conway, Moncure of Stafford, George, Boyers, Massey, Goodson and Collins—45.

A motion was made by Mr. RIVES to amend the 19th chapter of the bill, by striking out the 20th, 21st, 22d and 23d sections.

The said sections are the following:

"Law Libraries.

Sec. 20. "There shall be two law libraries; one at Lewisburg, the other in the state courthouse at Richmond; each of which shall be under the charge of a librarian, to be appointed by the supreme court of appeals, and allowed such sum as it may deem reasonable, not exceeding fifty dollars each per annum.

Sec. 21. "The library in the state courthouse shall be for the use of all the judges holding courts in the City of Richmond; but *that*, and the library at Lewisburg, shall be subject to such regulations as the supreme court of appeals may prescribe; except that no book shall be taken out of either library but by one of the judges of the said court, or by his order.

Sec. 22. "The sum of three thousand dollars is hereby appropriated and added to the library fund, to be expended under the direction of the said court in the purchase of law books for the library in the state courthouse; and when there are more copies than one of any law

book in the general library, one copy may be sent to either of the said law libraries. There shall also be sent to each of them one copy of every law book hereafter published for the state.

Sec. 23. "The president of the said court shall annually make known to the library committee what additional books are wanting for the law libraries; and the committee shall cause so many thereof to be furnished as the fund applicable to the purpose will permit."

And the question being put upon striking out the said sections, was determined in the negative. Ayes 35, noes 61.

On motion of Mr. RIVES, the vote was recorded as follows:

AYES—Messrs. Nock, Layne of Alleghany, Cheatham, Maclin of Brunswick, Moore, Cardwell, Jones, Vaughan, Clarke, Howard of Floyd, Edwards of Franklin, Wood, Baily, Clopton, Guerrant, Carroll, Major, Hiatt, Bassel, Mullins, Ferguson, Newman, Shepard, Tanzey, Beirne of Monroe, Butt, Cackley, Rives, Cook, Fugate, Pittman, Sibert, Thompson of Smyth, George and Collins—35.

NOES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, M'Cue, Sheffey, Brown, Mitchell, Burwell, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, De Camps, Moncure of Caroline, Lacy, Barbour, Irving of Cumberland, Thomas, Scott, Rector, Stillman, Sydnor, Price, Darracott, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Wallace, Tomlin, Webb, Lane of Lee, Harrison of Loudoun, Edwards of Loudoun, Harris, Arnett, Barnett, Gustin, Kilby, Perrow, Yerby, Buswell, Turner, Townes, Grasty, Goff, Mayo, Dorman, Paxton, Martz, Harper, Aston, Conway, Moncure of Stafford, Burdett, Boyers, Massey, Goodson, Harvey and Boyd—61.

A motion was made by Mr. LACY, to strike from the bill the 10th section of the 19th chapter, and it was determined in the negative.

The said bill was further amended on motions of Messrs. M'CUE, SHEFFEY, and MONCURE of Stafford.

A motion was made by Mr. WORTHINGTON, to amend the same by striking out the word "state," wherever it occurs, and inserting in lieu thereof the word "commonwealth," and it was determined in the negative.

The 1st section of the 39th chapter is the following:

Sec. 1. "There shall be a tax on each dividend of profits declared by any bank, or other joint stock company incorporated by this state, except on so much thereof as is on stock bona fide held by persons residing out of this state, or by corporations not within the same, and except also, that when the dividend is declared by a coal mining company, there shall be deducted from the dividend tax such tax as may be paid on the assessed value of the company's coal lands for the time for which the dividend is declared," &c.

A motion was made by Mr. HIATT, to amend the said section by striking therefrom the words in *italics*, and it was determined in the negative. Ayes 35, noes 55.

On his motion, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Nock, Layne of Alleghany, Cheatham, Brown, Moncure of Caroline, Lacy, Clarke, Howard of Floyd, Edwards of Franklin, Sydnor, Clopton, Major, Hiatt, Mullins, Tomlin, Harris,

Newman, Tanzey, Kilby, Butt, Buswell, Rives, Strother, Martz, Harper, Fugate, Pittman, Sibert, Hargrave, Nicholson, George, Boyers and Harvey—35.

NOES—Messrs. Hart, Watson, Smith, M'Cue, Sheffey, Mitchell, Burwell, Boak, Hudson, Byrne of Braxton, Lewis and Gilmer, Moore, Cardwell, Jones, Barbour, Irving of Cumberland, Vaughan, Thomas, Scott, Rector, Stillman, Wood, Baily, Guerrant, Carroll, Price, Darracott, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Webb, Lane of Lee, Harrison of Loudoun, Shepard, Beirne of Monroe, Barnett, Gustin, Perrow, Yerby, Turner, Syme, Townes, Grasty, Cackley, Goff, Mayo, Dorman, Paxton, Aston, Thompson of Smyth, Conway, Moncure of Stafford, Massey, Collins and Boyd—55.

The question recurred upon engrossing the said bill as amended, and was determined in the affirmative.

On motion of Mr. DORMAN, the house adjourned until to-morrow morning half past 9 o'clock.

SATURDAY, JUNE 16, 1849.

No. 522. An engrossed bill concerning the Civil Code of Virginia, part I, was read a third time and passed.

Ordered, That Mr. PRICE carry the same to the senate and request their concurrence.

No. 523. A bill concerning the Civil Code of Virginia, part II, was taken up, read the first and second times, and ordered to be referred to the committee of the whole house.

On motion of Mr. LACY, the house then resolved itself into a committee of the whole house, Mr. STROTHER in the chair; and after some time spent therein, the SPEAKER resumed the chair, and Mr. STROTHER reported that the said committee had, according to order, taken into consideration a bill concerning the Civil Code of Virginia, part II, and made progress therein, but not having time to complete the same, had instructed him to ask leave to sit again.

Ordered, That this house will again, on Monday, resolve itself into a committee of the whole house to take the said bill into consideration.

A motion was made by Mr. WATSON, that the house do now adjourn, and it was determined in the affirmative. Ayes 48, noes 42.

On motion of Mr. DORMAN, the vote was recorded as follows:

AYES—Messrs. Hart, Watson, Layne of Alleghany, Cheatham, M'Cue, Sheffey, Hudson, De Camps, Irvine of Campbell, Moncure of Caroline, Lacy, Barbour, Irving of Cumberland, Thomas, Scott, Rector, Stillman, Baily, Carroll, Darracott, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Webb, Lane of Lee, Edwards of Loudoun, Beirne of Monroe, Gustin, Perrow, Yerby, Buswell, Turner, Rives, Goff, Strother, Cook, Martz, Harper, Aston, Fugate, Pittman, Sibert, Hargrave, Burdett, George, Massey and Boyd—48.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Smith, Brown, Mitchell, Burwell, Byrne of Braxton, Lewis and Gilmer, Moore, Cardwell, Jones, Vaughan, Clarke, Howard of Floyd, Edwards of Franklin, Clopton, Guerrant,

Major, Hiatt, Bassel, Tomlin, White, Harrison of Loudoun, Harris, Newman, Shepard, Tanzey, Kilby, Townes, Grasty, Cackley, Fairfax, Harrison of Prince William, Dorman, Paxton, Thompson of Smyth, Conway, Moncure of Stafford, Nicholson, Boyers, Harvey and Collins—42.

And then the house adjourned until Monday half past 9 o'clock.

MONDAY, JUNE 18, 1849.

On motion of Mr. HIETT, the house resolved itself into a committee of the whole house, Mr. STROTHER in the chair; and after some time spent therein, the SPEAKER resumed the chair, and Mr. STROTHER reported that the said committee had, according to order, taken into consideration a bill concerning the Civil Code of Virginia, part II, and made progress therein, but not having time to complete the same, had instructed him to ask leave to sit again.

Ordered, That this house will, on to-morrow, again resolve itself into a committee of the whole house to take said bill into consideration.

The SPEAKER laid before the house the following communication, which was read, and, on motion of Mr. BUSWELL, ordered to be laid upon the table.

POST OFFICE DEPARTMENT, *Contract Office*, June 15, 1849.

SIR,—The postmaster general has received the application of yourself and others "for a daily mail from Warrenton springs, to connect with the railroad at Fredericksburg or with the Potomac steamboats at Alexandria, as the department may find most convenient," and has accordingly ordered the commencement of daily service immediately between Washington and Alexandria and Warrenton springs, on the route from Washington to Culpeper C. H.

Very respectfully, yr. ob't serv't,

S. R. HOBBIE, *First Assist. P. M. G.*
H. L. HOPKINS, Esq., *Warrenton Springs, Va.*

A motion was made by Mr. BYRNE of Braxton and Lewis, that the house take a recess until 4 o'clock this evening, and it was determined in the negative. Ayes 32, noes 58.

On motion of Mr. EDWARDS of Franklin, the vote was recorded as follows:

AYES—Messrs. Dillard, Brown, Byrne of Braxton, Lewis and Gilmer, Forbes, Moore, Cardwell, Clarke, Howard of Floyd, Edwards of Franklin, Baily, Guerrant, Hiatt, Bassel, Mullins, Laidley, Lane of Lee, Harris, Edmondson, Newman, Shepard, Tanzey, Turner, Herbert, Rives, Harrison of Prince William, Harper, Fugate, Thompson of Smyth, Moncure of Stafford, Hargrave, Nicholson and Harvey—32.

NOES—Messrs. Hopkins, (speaker,) Finney, Nock, Watson, Smith, Layne of Alleghany, M'Cue, Sheffey, Mitchell, Burwell, Faulkner, Boak, De Camps, Harrison of Brunswick, Wills, Lacy, Jones, Irving of Cumberland, Vaughan, Scott, Rector, Stillman, Sydnor, Clopton, Carroll, Allen, Lancaster, Howard

of James City, York and Williamsburg, Tomlin, Webb, Harrison of Loudoun, Edwards of Loudoun, Beirne of Monroe, Gustin, Kilby, Perrow, Yerby, Booth, Buswell, Syme, Townes, Grasty, Cackley, Fairfax, Goff, Strother, Mayo, Paxton, Martz, Aston, Pittman, Sibert, Burdett, George, Massey, Goodson, Collins and Boyd—58.

On motion of Mr. SMITH, the house adjourned until to-morrow morning half past 9 o'clock.

TUESDAY, JUNE 19, 1849.

The house, on motion of Mr. SYME, resolved itself into a committee of the whole house, Mr. STROTHER in the chair; and after some time spent therein, the SPEAKER resumed the chair, and Mr. STROTHER reported that the said committee had, according to order, taken into consideration a bill concerning the Civil Code of Virginia, part II, and made progress therein, but not having time to complete the same, had instructed him to ask leave to sit again.

Ordered, That this house will again, on to-morrow, resolve itself into a committee of the whole house to take said bill into consideration.

On motion of Mr. COOK, the house adjourned until to-morrow morning half past 9 o'clock.

WEDNESDAY, JUNE 20, 1849.

Mr. MONCURE of Stafford, from the committee on revision, presented a bill concerning the Civil Code of Virginia, part IV.

On motion of Mr. RIVES, the house resolved itself into a committee of the whole house, Mr. STROTHER in the chair; and after some time spent therein, the SPEAKER resumed the chair, and Mr. STROTHER reported that the committee of the whole house had, according to order, taken into consideration a bill concerning the Civil Code of Virginia, part II, and made progress therein, but not having time to go through the same, had instructed him to ask leave to sit again.

Ordered, That the house will again, on to-morrow, resolve itself into a committee of the whole to take into consideration the said bill.

On motion of Mr. CONWAY,

Resolved unanimously by the general assembly of Virginia, That we have heard with deep sensibility of the death of James K. Polk, late president of the United States, who died at Nashville, Tennessee, on the 15th instant.

Resolved unanimously, That as a testimony of our high respect for this distinguished citizen, the members and officers of the general assembly of Virginia will wear the usual badge of mourning for thirty days.

Resolved, That this house do now adjourn.

And then the house adjourned until to-morrow morning half past 9 o'clock.

HOUSE OF DELEGATES.

THURSDAY, JUNE 21, 1849.

A communication from the senate by their clerk was read as follows :

IN SENATE, JUNE 20, 1849.

The senate have agreed to the resolutions upon the death of James K. Polk, late president of the United States.

On motion of Mr. WHITTLE, the house resolved itself into a committee of the whole house, Mr. STROTHER in the chair; and after some time spent therein, the SPEAKER resumed the chair, and Mr. STROTHER reported that the said committee had, according to order, taken into consideration a bill concerning the Civil Code of Virginia, part II, and made progress therein, and instructed him to ask leave to sit again.

Ordered, That this house will, on to-morrow, again resolve itself into a committee of the whole house to take said bill into consideration.

On motion of Mr. SCOTT, the house adjourned until to-morrow half past 9 o'clock.

FRIDAY, JUNE 22, 1849.

On motion of Mr. LACY, the house resolved itself into a committee of the whole house, Mr. STROTHER in the chair; and after some time spent therein, the SPEAKER resumed the chair, and Mr. STROTHER reported that the said committee had taken into consideration a bill concerning the Civil Code of Virginia, part II, and made progress therein, and instructed him to ask leave to sit again.

Ordered, That this house will again, on to-morrow, resolve itself into a committee of the whole house to take said bill into consideration.

On motion of Mr. BARBOUR,

Ordered, That leave be given to bring in a bill to authorize the general court to hold its next term at some other place than Richmond; and that Messrs. Barbour, Laidley, Conway, Jones, Dorman and Worthington, prepare and bring in the same, and that the committee have leave to sit during the session of the house.

Mr. BARBOUR subsequently presented the following bill :

No. 525. A bill concerning the general court, which was read the first and second times, (the rule of the house having been suspended therefor,) and ordered to be engrossed and read a third time.

Mr. BYRNE of Braxton and Lewis submitted the following resolution, which, on motion of Mr. LACY, was ordered to be laid upon the table, viz :

Resolved, That leave be given to bring in a bill to authorize the general assembly of Virginia hereafter to hold its sessions at some other place than Richmond.

On motion of Mr. DORMAN, the house adjourned until to-morrow morning half past 9 o'clock.

SATURDAY, JUNE 23, 1849.

No. 525. An engrossed bill concerning the general court was read a third time and passed.

Ordered, That Mr. BARBOUR carry the same to the senate and request their concurrence.

On motion of Mr. SCOTT,

Ordered, That leave be given to bring in a bill authorizing the election of common councilmen for the town of Warrenton, and that Messrs. Scott, Rector, Smith, Barbour, Harrison of Prince William, and Darracott, prepare and bring in the same, and have leave to sit during the session of the house.

Mr. SCOTT subsequently, according to order, presented the following bill :

No. 526. A bill authorizing the election of common councilmen for the town of Warrenton, which was taken up, read the first and second times, (the rule of the house having been suspended therefor,) and forthwith engrossed and read a third time and passed.

Ordered, That Mr. BARBOUR carry the same to the senate and request their concurrence.

On motion of Mr. SHEFFEY, the house resolved itself into a committee of the whole house, Mr. STROTHER in the chair ; and after some time, the SPEAKER resumed the chair, and a message was received from the senate by Mr. SHACKLEFORD, who informed the house that the senate had passed bills, entitled "an act concerning the general court," and "an act authorizing the election of common councilmen in the town of Warrenton."

The house again resolved itself into committee of the whole, Mr. STROTHER in the chair ; and after some time spent therein, the SPEAKER resumed the chair, and Mr. STROTHER reported that the said committee had, according to order, taken into consideration a bill concerning the Civil Code of Virginia, part II, and made progress therein, and instructed him to ask leave to sit again.

Ordered, That this house will, on Monday, again resolve itself into a committee of the whole house, to take said bill into consideration.

On motion of Mr. CLAIBORNE, the house adjourned until Monday morning half past 9 o'clock.

MONDAY, JUNE 25, 1849.

On motion of Mr. HIETT, the house resolved itself into a committee of the whole house, Mr. STROTHER in the chair ; and after some time spent therein, the SPEAKER resumed the chair, and Mr. STROTHER reported that the said committee had, according to order, taken into consideration a bill concerning the Civil Code of Virginia, part II, and made progress therein, and instructed him to ask leave to sit again.

Ordered, That this house will, on to-morrow, again resolve itself into a committee of the whole to take said bill into consideration.

On motion of Mr. HINER, the house adjourned until to-morrow morning half past 9 o'clock.

TUESDAY, JUNE 26, 1849.

On motion of Mr. SCOTT, the house resolved itself into a committee of the whole house, Mr. STROTHER in the chair; and after some time spent therein, the SPEAKER resumed the chair, and Mr. STROTHER reported that the said committee had, according to order, taken into consideration a bill concerning the Civil Code of Virginia, part II, and made progress therein, and instructed him to ask leave to sit again.

Ordered, That this house will, on to-morrow, again resolve itself into a committee of the whole to take said bill into consideration.

On motion of Mr. SHEPARD, the house adjourned until to-morrow morning half past 9 o'clock.

WEDNESDAY, JUNE 27, 1849.

On motion of Mr. SHEPARD,

Ordered, That leave be given to bring in a bill restricting the catching of oysters in the waters within the limits of the county of Mathews; and that Messrs. Shepard, Hart, Worthington, Jones, Edwards of Loudoun, Tomlin, Thomas, and Howard of Williamsburg, prepare and bring in the same, and have leave to sit during the session of the house.

Mr. SHEPARD, according to order, presented the following bill:

No. 527. A bill restricting the catching of oysters in the waters within the limits of the county of Mathews; which was read the first and second times, (the rule of the house having been suspended therefor,) engrossed and read a third time, and passed.

Ordered, That Mr. SHEPARD carry the same to the senate and request their concurrence.

On motion of Mr. STOVALL, the house resolved itself into a committee of the whole house, Mr. STROTHER in the chair; and after some time spent therein, the SPEAKER resumed the chair; and Mr. STROTHER reported that the committee had, according to order, taken into consideration a bill concerning the Civil Code of Virginia, part II, and instructed him to report the same with sundry amendments.

The said bill, with the amendments, was taken up; and the said amendments being read as far as the 47th, the third was amended on motion of Mr. STOVALL; the 21st, on motion of Mr. FAULKNER; and the 40th, on motion of Mr. MAYO; and as amended, were severally agreed to.

The 49th chapter, section 40, provides: "If any officer or his de-

puty shall make such return upon any order, warrant or process as entitles any person to recover money from such officer by action, the court to which, or to the clerk's office of which, such return is made, may, on a motion on behalf of such person, give judgment against such officer and his sureties, and against his and their personal representatives, for so much principal and interest as would at the time such return ought to have been made, be recoverable by such action, with interest thereon at *the rate of fifteen per centum per annum* from that time until payment," &c.

The committee, in their first amendment, proposed to strike out the words "*the rate of,*" and insert in lieu thereof, the words "*a rate not exceeding;*" and the question being put upon agreeing thereto, was determined in the negative.

The 82d chapter, section 7, provides that, "Every resident in any such district, entitled to vote at any poll opened under the second section, may vote in an election held under the preceding section. Such election shall be held by three persons in each district, appointed by the said board, and shall be certified by those holding the same, and returned to the first meeting of the board thereafter. *Each commissioner so elected shall continue in office until a successor shall be appointed. Any vacancy happening in such office shall be filled by the board.*"

In their 38th amendment, the committee proposed to strike from the said section the words in *italics*, and insert in lieu thereof the following:

"The persons holding the election shall give notice without delay to the commissioner of his election, and such commissioner shall be bound to serve for two years, unless he shall have already served in that capacity six years, or shall be excused by the board. If he refuse or fail to do so, he shall forfeit _____ dollars. Upon the termination of the two years service of each commissioner, or upon any vacancy happening in such office, it shall be filled by election as before provided for. A commissioner may resign with the consent of the board."

And the question being put upon agreeing to the said amendment, was determined in the negative.

The residue of the amendments, from the second to the forty-seventh, inclusive, were agreed to.

On motion of Mr. SHEFFY, the house then adjourned until to-morrow morning half past 9 o'clock.

THURSDAY, JUNE 28, 1849.

A communication from the senate by their clerk, was read as follows:

IN SENATE, JUNE 27, 1849.

The senate have passed the bill, entitled

"An act restricting the catching of oysters in the waters within the limits of the county of Mathews." (No. 527.)

A bill concerning the Civil Code of Virginia, part II, with the amendments thereto proposed by the committee of the whole house, was taken up.

The 48th amendment was agreed to by the house.

The committee of the whole, in their 49th amendment, proposed to insert after the 42d section of the 88th chapter, the following sections:

Sec. 43. "If any person shall export, or put on board of any vessel or other vehicle for exportation, beyond the limits of this state, any flour, without having the same inspected as required by law, he shall forfeit two dollars for each barrel; but this section shall not apply to any flour imported into this state, after being inspected or marked according to the laws of any other state, nor to any flour manufactured in this state, exported to the District of Columbia or any state bordering upon this state, when there is no convenient place for the inspection thereof. This section shall be applicable to the inspection of corn meal and fish, as well as the article of flour.

Sec. 44. "Any inspector of flour may enter any vessel or other vehicle within his county or corporation, on which he has good cause to believe any flour has been put for exportation contrary to law, and search therefor. If he find in such vessel or vehicle, any such flour, he shall cause the same to be sold and the proceeds thereof to be paid into the treasury for the use of the state; and any person who shall resist the inspector in the discharge of this duty, shall forfeit fifty dollars.

Sec. 45. "If any person shall export, or put on board of any vessel for exportation, any tar, pitch or turpentine, without the same having been inspected as required by law, he shall forfeit dollars for each barrel or cask; and if any person shall export, or attempt to export as aforesaid, *beyond the limits of the United States*, any lumber, without said lumber having been inspected, or without the certificate required by law, he shall forfeit for every such offence three hundred dollars. But this section shall not be so construed as to prevent the exportation of any of the articles named herein, if the same be condemned, and the mark or brand, or certificate of condemnation accompanies the same."

A motion was made by Mr. LANCASTER to amend the said amendment, by striking out all thereof, and inserting in lieu thereof the following section:

"If any person shall export, or put on board of any vessel for exportation, in any of the cities or towns on tidewater in this state, any flour, corn meal, bread or salt, or shall export or attempt to export as aforesaid, or use or offer to sell any fish, pork, beef, tar, pitch, turpentine, lime, butter or lard in the cities or towns aforesaid, without the same having been inspected as required by law, he shall forfeit dollars for each barrel, cask, box or bag so imported or offered for sale; and if any person shall export out of the state, or attempt to export as aforesaid, any hemp, or export or attempt to export, *beyond the limits of the United States*, any lumber, without said lumber or hemp having been inspected, or without the certificate, in the case of lumber, required by law, he shall forfeit for every such bale of hemp,

dollars, and for every such offence, in respect to lumber, three hundred dollars. The above penalties shall not apply to any commodities (other than lime) imported into this state, after being inspected and marked according to the laws of any other state."

And the question being put thereupon, was determined in the affirmative. Ayes 73, noes 31.

On motion of Mr. CONWAY, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Smith, Sheffey, Brown, Faulkner, Byrne of Braxton, Lewis and Gilmer, De Camps, Moore, Moncure of Caroline, Lacy, Jones, Barbour, Clarke, Thomas, Scott, Rector, Sydnor, Clopton, Guerrant, Price, Stovall, Allen, Hiett, Darracott, Bassel, Lancaster, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Houser, Tomlin, Webb, Lane of Lee, White, Harrison of Loudoun, Edwards of Loudoun, Harris, Newman, Arnett, Shepard, Coleman, Tanzey, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Buswell, Turner, Hiner, Syme, Townes, Grasty, Fairfax, Rives, Harrison of Prince William, Goff, Strother, Mayo, Dorman, Martz, Harper, Pittman, Sibert, Griffin, Conway, Moncure of Stafford, Nicholson, Massey, Goodson, Collins and Boyd—73.

NOES—Messrs. Watson, Dillard, Cheatham, Mitchell, Burwell, Harrison of Brunswick, Wills, Irvine of Campbell, Irving of Cumberland, Claiborne, Edwards of Franklin, Baily, Carroll, Maclin of Greenville, Major, Mullins, Laidley, Whittle, Beirne of Monroe, Barnett, Booth, Cackley, Wootton, Cook, Paxton, Aston, Fugate, Thompson of Smyth, Burdett, George and Boyers—31.

The said amendment as amended was then agreed to.

The amendments proposed by the committee, from the 49th to the 60th, inclusive, were, on questions severally put thereupon, agreed to.

The 8th section of the 91st chapter, is the following:

"Every commissioner of wrecks shall take an inventory of all the property that shall come into his possession as aforesaid, and upon being paid, or secured to be paid, *a reasonable compensation for his services and expenses, and for such other charges as he shall have paid, or become liable to pay, upon or for said property, he shall deliver the same to the owner thereof or his agent, with a sworn copy of such inventory.*"

The committee of the whole house proposed, in their 61st amendment, to strike out the words in *italics*, and insert in lieu thereof the following: "Five per cent. on the value or sales of said property, when the amount or value thereof does not exceed ten thousand dollars, and two and a half per cent. on all additional sums. The labourers employed in saving said property and guarding the same, shall receive not *more than two dollars and a half* per day."

The said amendment was amended on motion of Mr. STOVALL, by striking out the words "*more than two dollars and a half*," and inserting in lieu thereof "*exceeding four dollars.*"

And the question being put upon the said amendment, as amended, was determined in the negative. Ayes 36, noes 49.

On motion of Mr. YERBY, the vote was recorded as follows:

AYES—Messrs. Dillard, Cheatham, Brown, Mitchell, De Camps, Lacy, Jones, Barbour, Thomas, Edwards of Franklin, Sydnor, Baily, Guerrant,

Major, Allen, Hiatt, Darracott, Lancaster, Lane of Lee, Harris, Newman, Kilby, Robinson, Butt, Booth, Buswell, Syme, Harrison of Prince William, Mayo, Cook, Harper, Sibert, Thompson of Smyth, Conway, Moncure of Stafford, and Massey—36.

NOES—Messrs. Hopkins, (speaker,) Hart, Watson, Smith, Sheffey, Faulkner, Harrison of Brunswick, Wills, Cardwell, Irving of Cumberland, Clarke, Scott, Rector, Clopton, Carroll, Mullins, Howard of James City, York and Williamsburg, Worthington, Tomlin, Webb, White, Harrison of Loudoun, Edmondson, Clendenin, Coleman, Whittle, Tanzey, Beirne of Monroe, Cowper, Yerby, Basye, Turner, Hiner, Townes, Grasty, Cackley, Wootton, Rives, Goff, Dorman, Martz, Aston, Fugate, Pittman, Hargrave, Nicholson, Burdett, George and Boyd—49.

On motion of Mr. DORMAN, the house adjourned until to-morrow morning half past 9 o'clock.

FRIDAY, JUNE 29, 1849.

A bill concerning the Civil Code of Virginia, part II, with the amendments thereto proposed by the committee of the whole house, was taken up.

The sixty-second and sixty-third amendments were passed over by the house.

The sixty-fourth, sixty-fifth, sixty-sixth and sixty-seventh amendments were severally agreed to.

The 101st chapter of the bill in the eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third, twenty-fourth and twenty-fifth sections contain provisions relating to "oysters and terrapins."

The committee of the whole house, in their seventy-first amendment, proposed to strike out the said sections, and insert in lieu thereof the following :

" Oysters and terrapins.

Sec. 11. "The laws in force concerning oysters and terrapins the day before the commencement of this act, shall continue in force notwithstanding its passage."

A motion was then made by Mr. SCOTT to amend the said amendment by striking out the whole thereof, and inserting in lieu thereof the following sections :

Sec. 11. "If any person, other than a citizen of this state, shall take oysters or terrapins in the waters thereof, or in the rivers Pocomoke and Potomac, he shall forfeit two hundred dollars.

"But this section shall not extend to a citizen of Maryland taking oysters or terrapins in the said mentioned rivers.

Sec. 12. "If any person shall use any instrument, except tongs with a bar not exceeding twenty-three inches in length, for the purpose of taking oysters, he shall forfeit one hundred dollars.

Sec. 13. "If any person, after the first day of June and before the

first day of September in any year, shall take oysters, in quantities exceeding three bushels in any one day, except for planting in other waters of this state, he shall forfeit twenty dollars.

Sec. 14. "If any person, after the first day of May and before the fifteenth day of October in any year, shall take terrapins, or take or disturb terrapins' eggs, he shall forfeit one hundred dollars.

Sec. 15. "The penalties provided in the four preceding sections shall be recoverable by presentment, information or indictment, or by action of debt in the name of the commonwealth, in any court of record, one moiety whereof shall be for the use of the informer or person who, on behalf of the commonwealth, will sue therefor, and the other moiety for the commonwealth.

Sec. 16. "Any justice of the county in which such action of debt is brought, if the cause thereof be verified by affidavit, may, by endorsement on the writ, require bail to be taken, and the officer serving the same shall govern himself accordingly. If the defendant fail to give bail, the officer shall take into his custody any vessel employed in the commission of the offence, with its equipments, making due return thereof with the writ; and the same shall be liable to answer the judgment of the court.

Sec. 17. "For the apprehension of any person engaged in the violation of the said preceding sections, any justice may issue his warrant without naming therein such person, or the vessel in his employment.

Sec. 18. "For the seizure and safe keeping of any vessel with its equipments, under the provisions of this chapter, the officer effecting the same shall receive a fee of twenty dollars, to be taxed in the costs."

And the question being put upon adopting the said amendment, was determined in the affirmative. Ayes 81, noes 16.

On motion of Mr. KILBY, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Hart, Watson, Smith, Dillard, Cheatham, Brown, Mitchell, Burwell, Faulkner, Byrne of Braxton, Lewis and Gilmer, Harrison of Brunswick, Moore, Wills, Moncure of Caroline, Lacy, Cardwell, Jones, Irving of Cumberland, Vaughan, Clarke, Thomas, Scott, Reector, Edwards of Franklin, Sydnor, Baily, Carroll, Price, Stovall, Major, Hiatt, Lancaster, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Houser, Tomlin, Webb, Lane of Lee, White, Harrison of Loudoun, Edwards of Loudoun, Harris, Edmondson, Newman, Arnett, Shepard, Clendenin, Coleman, Tanzey, Beirne of Monroe, Perrow, Robinson, Buswell, Turner, Hiner, Townes, Grasty, Cackley, Fairfax, Wootton, Harrison of Prince William, Goff, Mayo, Dorman, Paxton, Martz, Harper, Aston, Fugate, Pittman, Sibert, Thompson of Smyth, Burdett, George, Bowers, Massey, Goodson and Boyd—81.

NOES—Messrs. Claiborne, Clopton, Guerrant, Maclin of Greenville, Bassel, Ferguson, Whittle, Kilby, Butt, Cowper, Yerby, Basye, Booth, Rives, Griffin, Moncure of Stafford, and Nicholson—16.

The amendment as amended was then agreed to.

On yesterday the house disagreed to the 61st amendment of the committee; on motion of Mr. PITTMAN, the rule of the house was suspended and the vote disagreeing to said amendment was reconsidered.

The 91st chapter, 8th section, provides that "every commissioner of wrecks shall take an inventory of all the property that shall come into

his possession as aforesaid; and upon being paid, or secured to be paid, *a reasonable compensation for his services and expenses, and for such other charges as he shall have paid or become liable to pay, upon or for said property, he shall deliver the same to the owner thereof, or his agent, with a sworn copy of such inventory.*"

The committee of the whole in their said 61st amendment as amended on yesterday, proposed to strike out the words in *italics* and insert in lieu thereof the words "five per cent. on the value or sales of said property, when the amount or value thereof does not exceed ten thousand dollars, and two and a half per cent. on all additional sums. The labourer employed in saving said property and guarding the same, shall receive not exceeding four dollars."

A motion was made by Mr. SCOTT to amend the said amendment, by substituting therefor the following :

"A compensation for his services and such reasonable expenses as he may incur in the discharge of his duties, and a reasonable compensation for the services of those whose assistance he may command or employ, he shall deliver the same to the owner thereof, or his agent with a sworn copy of such inventory. But in no case shall the compensation of the commissioner exceed a sum equal to five per cent. on the value of such property, when the same does not exceed ten thousand dollars, and when such value does exceed ten thousand dollars, of an additional two and a half per cent. on such excess."

And the question being put upon the said amendment to the amendment, was determined in the negative. Ayes 36, noes 56.

On motion of Mr. MAYO, the vote was recorded as follows :

AYES—Messrs. Watson, Sheffey, Mitchell, Burwell, Faulkner, Byrne of Braxton, Lewis and Gilmer, Moore, Lacy, Irving of Cumberland, Clarke, Scott, Price, Howard of James City, York and Williamsburg, Worthington, Laidley, Tomlin, Webb, Lane of Lee, Harrison of Loudoun, Shepard, Whittle, Beirne of Monroe, Perrow, Cowper, Yerby, Basye, Booth, Turner, Hiner, Townes, Grasty, Dorman, Paxton, Fugate, Thompson of Smyth, and Burdett—36.

NOES—Messrs. Hopkins, (speaker,) Smith, Dillard, Cheatham, Brown, Harrison of Brunswick, Wills, Moncure of Caroline, Cardwell, Jones, Barbour, Vaughan, Thomas, Rector, Edwards of Franklin, Sydnor, Baily, Clopton, Guerrant, Carroll, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Lancaster, Thomson of Jefferson, Houser, White, Harris, Edmondson, Newman, Arnett, Tanzey, Kilby, Robinson, Butt, Syme, Cackley, Fairfax, Wootton, Rives, Harrison of Prince William, Mayo, Cook, Harper, Aston, Pittman, Sibert, Griffin, Moncure of Stafford, Nicholson, George, Boyers, Massey and Boyd—56.

The question recurred upon the adoption of the amendment proposed by the committee, and was determined in the affirmative. Ayes 75, noes 18.

On motion of Mr. YERBY, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Dillard, Cheatham, Sheffey, Brown, Mitchell, Burwell, Byrne of Braxton, Lewis and Gilmer, De Camps, Moore, Wills, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Vaughan, Clarke, Thomas, Rector, Edwards of Franklin, Sydnor, Baily, Clopton, Guerrant, Carroll, Price, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Bar-

sel, Lancaster, Thomson of Jefferson, Laidley, Houser, Webb, Lane of Lee, White, Harris, Edmondson, Newman, Tanzey, Beirne of Monroe, Kilby, Robinson, Butt, Booth, Pannill, Turner, Hiner, Syme, Townes, Grasty, Cackley, Fairfax, Wootton, Harrison of Prince William, Mayo, Cook, Dorman, Harper, Aston, Pittman, Sibert, Thompson of Smyth, Griffin, Moncure of Stafford, Nicholson, Burdett, George, Boyers, Massey and Boyd—75.

NOES—Messrs. Watson, Faulkner, Harrison of Brunswick, Scott, Howard of James City, York and Williamsburg, Worthington, Tomlin, Harrison of Loudoun, Arnett, Shepard, Whittle, Perrow, Cowper, Yerby, Basye, Rives, Paxton and Fugate—18.

The residue of the amendments of the committee, with those passed over this morning, were severally agreed to.

The 53d chapter, on the subject "of county levies," provides in the second section, that "The male persons above the age of sixteen years, and the female slaves above that age, that may be in any county without such limits, shall be subject to the levies for such county, except such slaves and other persons as the court may exempt from taxes and levies, because of age, infirmity or a charitable reason."

A motion was made by Mr. PRICE to amend the bill by striking out the said section, and inserting in lieu thereof the following:

"The male persons and the female slaves above the age of sixteen years that may be in any county without such limits, except such as may be exempt by the court thereof, from taxes and levies, because of age, infirmity or a charitable reason; and the lands and other property mentioned in the 35th chapter, that are assessed in the said county and without the limits of such town as before mentioned, and on the interest or profits mentioned in the 52d; the yearly income mentioned in the 53d, and the fees mentioned in the 54th sections of the said chapter, on which taxes are assessed against persons residing or having property in the said county and without the limits of such town, shall be subject to the levies for such county. The levy shall be for a sum certain upon each of the persons and slaves mentioned in this section; and upon the other property and subjects a certain per centum, not exceeding fifty per centum, upon the amount of state tax thereon."

And the question being put thereupon, was determined in the negative. Ayes 13, noes 70.

On motion of Mr. RIVES, the vote was recorded as follows:

AYES—Messrs. Brown, Faulkner, Byrne of Braxton, Lewis and Gilmer, Price, Laidley, White, Townes, Aston, Fugate, Sibert, Thompson of Smyth, Collins and Boyd—13.

NOES—Messrs. Hopkins, (speaker,) Watson, Smith, Dillard, Cheatham, Mitchell, De Camps, Harrison of Brunswick, Moore, Wills, Moncure of Caroline, Lacy, Jones, Barbour, Clarke, Thomas, Scott, Rector, Edwards of Franklin, Sydnor, Baily, Clopton, Guerrant, Carroll, Stovall, Major, Allen, Hiatt, Lancaster, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Tomlin, Webb, Lane of Lee, Ferguson, Harrison of Loudoun, Harris, Newman, Arnett, Shepard, Tanzey, Beirne of Monroe, Kilby, Perrow, Cowper, Yerby, Booth, Buswell, Turner, Hiner, Syme, Grasty, Cackley, Fairfax, Rives, Harrison of Prince William, Mayo, Cook, Dorman, Paxton, Martz, Pittman, Griffin, Moncure of Stafford, Hargrave, Nicholson, Burdett, George and Massey—70.

The 51st chapter, on the subject "of the poor," provides in the 27th section, that "In every county the amount which, according to their report, the overseers thereof will require, shall be chargeable on such county, and the county court, when it orders the annual levy, shall provide for the said amount. It shall be payable out of the proceeds of the said levy to the overseers of the county, and shall be paid thereout to such persons and in such sums as the board of overseers may direct. In every town which has overseers, the expense of the poor shall be provided for by the town council."

A motion was made by Mr. HARRISON of Prince William, to amend the same by striking out the said section, and inserting in lieu thereof the following :

"The overseers of the poor of the several counties, shall levy on the tithables annually a sufficient amount to support the poor therein. In towns having overseers of the poor, the expenses of the poor shall be provided for by town council."

A motion was made by Mr. YERBY to amend the said amendment by substituting therefor the following :

"In every county, the amount which the overseers of the poor thereof will require, shall be levied and assessed by them, upon all such taxables of their county as are subject to county levies, except the inhabitants of any corporate town that provides for its poor; for which purpose the clerk of the county shall furnish the overseers with a certified copy of such taxables. The amount so levied shall be collected by the sheriff, and paid to such persons and in such sums as the board of overseers may direct. In every town which has overseers of the poor, the expense of the poor shall be provided for by the town council."

And the question being put upon the said amendment to the amendment, was determined in the negative.

The question recurred upon adopting the amendment, and it was determined in the negative.

A motion was made by Mr. DORMAN to amend the 53d chapter, on the subject "of county levies," by adding to the fourth section the following :

"Whenever the court of any county think it necessary to order a levy for a sum greater than one dollar on each of the persons mentioned in the second section, other than slaves, and upon lands, slaves and other property under the 4th section, for a per centum greater than 100 per centum upon the amount of state taxes thereon, it may first direct, or if not, on the petition of twenty-four persons interested in reversing such order, addressed to the court at either of its two terms next succeeding that at which the order was made, it shall direct the sense of those to be assessed with such levy to be ascertained by a vote taken on some convenient day designated by the court, at the courthouse and other places in the county at which polls are held, and in the same manner as for the election of delegates to the general assembly. If a majority of the votes cast be against such order it shall not be made, or if already made shall be revoked. If money be collected under any such order which is afterwards revoked,

the sheriff or collector shall forthwith repay such money to the person from whom it was collected. If he fail so to do, a motion may be made and judgment obtained in like manner as in the cases provided for in the 15th section."

And the question being put upon adopting the said amendment, was determined in the negative. Ayes 5, noes 91.

On motion of Mr. DORMAN, the vote was recorded as follows :

AYES—Messrs. Arnett, Goff, Dorman, Paxton and Collins—5.

NOES—Messrs. Hopkins, (speaker,) Hart, Watson, Smith, Dillard, Cheatham, Sheffey, Brown, Mitchell, Faulkner, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Moore, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Clarke, Thomas, Scott, Rector, Edwards of Franklin, Sydnor, Baily, Clopton, Guerrant, Carroll, Price, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Lancaster, Mullins, Howard of James City, York and Williamsburg, Worthington, Thompson of Jefferson, Laidley, Houser, Tomlin, Webb, Lane of Lee, Ferguson, White, Harrison of Loudoun, Edwards of Loudoun, Harris, Newman, Shepard, Clendenin, Coleman, Whittle, Tanzey, Beirne of Monroe, Barnett, Kilby, Perrow, Robinson, Cowper, Basye, Booth, Buswell, Turner, Hiner, Townes, Grasty, Cackley, Fairfax, Wootton, Rives, Mayo, Martz, Harper, Aston, Fugate, Pittman, Sibert, Thompson of Smyth, Griffin, Moncure of Stafford, Hargrave, Nicholson, Burdett, George, Massey, Goodson and Boyd—91.

On motion of Mr. ROBINSON, the house adjourned until to morrow morning half past 9 o'clock.

SATURDAY, JUNE 30, 1849.

A motion was made by Mr. WHITTLE, that the house adopt the following resolution :

Resolved, That leave be given to bring in a bill enabling the mayor and aldermen of the town of Clarksville, to levy taxes for the support of the town upon all the subjects liable to taxation by the state.

On motion of Mr. GOODSON,

Ordered, That the said resolution be laid upon the table.

Mr. MOORE presented a petition from citizens of the town of Gny-andotte, praying for the removal of the seat of justice of the county of Cabell.

Also a memorial of other citizens of said town, remonstrating against the removal of said seat of justice.

And a petition of citizens of the county of Wayne, relative to the construction of a road from the forks of Sandy river to the Kanawha turnpike.

On motion of Mr. WHITTLE, the said petitions were ordered to be laid upon the table.

A bill concerning the Civil Code of Virginia, part II, was taken up.

The same was amended on motion of Mr. FERGUSON, by adding to the second section of the 96th chapter the following words: "Or more than five miles from any ordinary or house of entertainment."

A motion was made by Mr. FAULKNER to amend the fifty-third chapter by adding to the fourth section the following :

"Nothing herein contained shall be so construed as to authorize the county court of Berkeley to levy on the persons mentioned in the second section more than fifty cents annually for the purposes aforesaid."

And the question being put thereupon was determined in the negative.

A motion was made by Mr. KILBY to amend the 88th chapter by adding to the 43d section the following :

"Nothing in the preceding section shall be construed to prevent the selling of any of the aforesaid articles in a town having less than two thousand inhabitants, or to prevent the exportation of any of the aforesaid articles, if the same be condemned, and the mark, brand or certificate of condemnation accompany the same."

And the question being put thereupon was determined in the affirmative.

A motion was made by Mr. HARRISON of Prince William, to amend the 98th chapter by inserting at the end of the chapter the following section :

Sec. 7. "Any justice of the peace may order out patrols in his county or corporation, and appoint a captain for each patrol so ordered out by him."

And the question being put thereupon was determined in the affirmative.

A motion was made by Mr. LAIDLEY to amend the 53d chapter, by striking out the second section and inserting in lieu thereof the following :

Sec. 3. "Every order for a levy shall be for a certain sum upon the free male persons above the age of sixteen years, that may be in any county, without such limits, and for a certain per centum upon the amount of state taxes assessed in said county, on the property mentioned in the 35th chapter, on the interest or profit mentioned in the 53d section thereof, the yearly income mentioned in the 54th, and the fees mentioned in the 55th section of the said chapter on which taxes are assessed against persons residing in the said county, and without the limits of such town—excepting therefrom such slaves and other persons as the court for said county may have exempted from taxes and levies, because of age, infirmity or a charitable reason."

And the question being put thereupon was determined in the negative.

The 53d chapter on the subject "of county levies," contained the following as its third and fourth sections :

Sec. 3. "Annually in May or June, or as soon thereafter as may be, the court of each county, when a majority of the acting justices of the county is present, or when the justices shall have been summoned to attend to act upon the matter, shall make up in its minutes an account of all sums lawfully chargeable on the county which ought to be paid within one year, stating for what, how much and to whom such payment is to be made, and after taking into view whatever balance

may appear due from the sheriff or collector, and all other sums due to the county which can be collected within one year, shall order a levy of so much as is necessary to be raised, and direct every sum so chargeable to be paid out of the balance due from the sheriff or collector, or out of the other sums due to the county, or out of the levy as the court may deem best. The levy shall be for a certain sum upon each of the slaves and persons mentioned in the second section, *unless a levy be ordered under the following section* :

Sec. 4. "After an order shall have been made by the court of any county at one term for the justices to meet at the next term and consider the expediency of levying upon lands and other property, if at such next term a majority of the acting justices be actually present and concur therein, the court may, instead of ordering the levy merely upon the slaves and persons mentioned in the second section, order it upon the said persons, and on such of the lands, slaves and other property mentioned in the 35th chapter as are assessed in the said county, and without the limits of such a town as before mentioned, and on the interest or profit mentioned in the 52d; the yearly income mentioned in the 53d, and the fees mentioned in the 54th section of the said chapter, on which taxes are assessed against persons residing in the said county and without the limits of such a town. Every order for a levy under this section shall be for a certain sum upon each of the persons mentioned in the second section other than slaves, and upon the other subjects, including slaves, for a certain per centum upon the amount of state taxes thereon."

A motion was made by Mr. STOVALL to amend the same by striking out from the third section, last clause, the words "*unless a levy be ordered under the following section*," and also by striking out the said fourth section.

And the question being put thereupon was determined in the negative. Ayes 40, noes 63.

On motion of Mr. RIVES, the vote was recorded as follows :

AYES—Messrs. Finney, Hart, Watson, Smith, Sheffey, Brown, Burwell, Harrison of Brunswick, Lacy, Barbour, Vaughan, Clopton, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Howard of James City, York and Williamsburg, Houser, Harris, Newman, Arnett, Beirne of Monroe, Kilby, Cowper, Yerby, Pannill, Hiner, Grasty, Cackley, Rives, Harrison of Prince William, Mayo, Dorman, Harper, Pittman, Sibert, Griffin, Hargrave and Burdett—40.

NOES—Messrs. Hopkins, (speaker,) Dillard, Cheatham, Mitchell, Faulkner, Byrne of Braxton, Lewis and Gilmer, De Camps, Moore, Wills, Irvine of Campbell, Jones, Irving of Cumberland, Clarke, Thomas, Scott, Rector, Stillman, Claiborne, Edwards of Franklin, Sydnor, Baily, Carroll, Price, Bassel, Lancaster, Mullins, Worthington, Thomson of Jefferson, Laidley, Tomlin, Webb, Lane of Lee, Ferguson, Harrison of Loudoun, Edmondson, Clendenin, Whittle, Tanzey, Barnett, Perrow, Robinson, Basye, Booth, Turner, Syme, Townes, Fairfax, Wootton, Goff, Cook, Paxton, Aston, Fugate, Thompson of Smyth, Conway, Moncure of Stafford, Nicholson, George, Boyers, Massey, Goodson, Collins and Boyd—63.

The said fourth section was then amended on motion of Mr. SHEFFEY, so as to read, "after an order shall have been made by the court

of any county at one term for the justices to meet at the next term and consider the expediency of levying upon lands and other property, if at such next term a majority of the acting justices be actually present and concur therein, the court may, instead of ordering the levy merely upon the slaves and persons mentioned in the 2d section, order it upon the said persons and slaves, and on such of the lands and other property except slaves mentioned in the 35th chapter as are assessed in the said county, and without the limits of such a town as before mentioned, and on the interest or profit mentioned in the 52d, the yearly income mentioned in the 53d, and the fees mentioned in the 54th section of the said chapter, on which taxes are assessed against persons residing in the said county and without the limits of such a town. Every order for a levy under this section shall be for a certain sum upon each of the persons and slaves mentioned in the second section, and upon the other subjects, for a certain per centum upon the amount of state taxes thereon.

The fifty-eighth chapter upon the subject of "banks of circulation," section first, provides as follows in its first clause.

Sec. 1. "There shall be nine directors for a bank, and seven for each of its branches, whereof *five* of the former and four for each branch shall be elected by the stockholders other than the state, in general meeting."

A motion was made by Mr. FERGUSON to amend the said section by striking out the word "five," and inserting in lieu thereof the word "four;" and the question being put thereupon was determined in the negative. Ayes 24, noes 73.

On motion of Mr. MULLINS, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Cheatham, Harrison of Brunswick, Edwards of Franklin, Baily, Carroll, Maclin of Greenville, Bassel, Mullins, Lane of Lee, Ferguson, Newman, Arnett, Tanzey, Robinson, Pannill, Hiner, Rives, Harrison of Prince William, Fugate, Pittman, Sibert, Hargrave and George—24.

NOES—Messrs. Finney, Hart, Watson, Smith, Dillard, Sheffey, Brown, Mitchell, Faulkner, Byrne of Braxton, Lewis and Gilmer, De Camps, Moore, Wills, Irvine of Campbell, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Vaughan, Clarke, Thomas, Scott, Rector, Stillman, Claiborne, Sydnor, Clopton, Guerrant, Price, Major, Allen, Hiatt, Darracott, Lancaster, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Tomlin, Webb, White, Harrison of Loudoun, Edwards of Loudoun, Harris, Clendenin, Whittle, Beirne of Monroe, Kilby, Perrow, Butt, Cowper, Yerby, Booth, Turner, Syme, Townes, Grasty, Cackley, Wootton, Goff, Strother, Mayo, Cook, Dorman, Aston, Thompson of Smyth, Griffin, Moncure of Stafford, Nicholson, Burdett, Goodson and Boyd—73.

The said bill was further amended on motion of Mr. FINNEY in the 101st chapter and 4th section, by inserting after the word "Accomack" the words "after the fifteenth of May and before the fifteenth of September," causing the last clause of the section to read, "that if any person in any year shall set a weir or seine in the waters of the county of Accomack after the 15th of May and before the 15th of September, he shall forfeit fifty dollars."

A motion was made by Mr. LANE of Lee, to amend the said bill by adding to the 52d chapter the following section :

1. " Instead of assigning persons to work upon roads in the manner prescribed by the 26th section of this chapter, the court of each county may annually, at their April or May term, allot to each precinct of road, by metes and bounds to be recorded in a book to be kept for that purpose, a certain boundary, from which persons may be appointed to work upon such precinct, and appoint some discreet freeholder resident therein, who shall have the same power within the said boundary to appoint persons to work upon the said precinct of road as is given the court by the said 26th section.

2. " Whenever the court acts under the preceding section, the clerk shall endorse on the writ issued under the 23d section, the metes and bounds of the boundary allotted to the precinct of the surveyor named in the writ, and the name of the person appointed to assign the hands to him, and a copy thereof shall be delivered by the sheriff to the surveyor."

And the question being put thereupon was determined in the negative.

The said bill was further amended on motions made by Mr. COWPER and Mr. RIVES.

A motion was made by Mr. ROBINSON to amend the 92d chapter, so as to increase to rates of pilotage between Norfolk or Portsmouth and Hampton Roads, from one dollar and twenty-five cents per foot to two dollars and a half, and it was determined in the negative.

A motion was made by Mr. CLAIBORNE, that the house do now adjourn, and it was determined in the negative. Ayes 41, noes 47.

On motion of Mr. CLAIBORNE, the vote was recorded as follows :

AYES—Messrs. Finney, Hart, Watson, Sheffey, Burwell, Faulkner, De Camps, Moore, Wills, Moncure of Caroline, Scott, Rector, Claiborne, Carroll, Major, Hiatt, Houser, Tomlin, Ferguson, Whittle, Beirne of Monroe, Barnett, Perrow, Robinson, Butt, Cowper, Yerby, Booth, Pannill, Syme, Rives, Fugate, Pittman, Sibert, Thompson of Smyth, Nicholson, Burdett, George, Massey, Goodson and Boyd—41.

NOES—Messrs. Hopkins, (speaker,) Smith, Cheatham, Brown, Mitchell, Byrne of Braxton, Lewis and Gilmer, Harrison of Brunswick, Jones, Irving of Cumberland, Vaughan, Clarke, Thomas, Stillman, Edwards of Franklin, Sydnor, Baily, Clopton, Price, Stovall, Allen, Lancaster, Howard of James City, York and Williamsburg, Worthington, Webb, Lane of Lee, White, Harrison of Loudoun, Harris, Newman, Shepard, Tanzey, Kilby, Turner, Hiner, Townes, Grasty, Cackley, Wootton, Harrison of Prince William, Goff, Mayo, Cook, Paxton, Aston, Griffin, Moncure of Stafford, Boyers and Collins—47.

The question recurring upon ordering the bill as amended to be engrossed,

On motion of Mr. PAXTON, the house adjourned until Monday half past 9 o'clock.

MONDAY, JULY 2, 1849.

A bill concerning the Civil Code of Virginia, part II, was taken up.

The 66th chapter, § 15, provides, that "In every company, to the stock of which the board has subscribed or may subscribe on behalf of the state, the said board shall appoint such portion of the directors as shall bear to the whole number of the directors of such company the same proportion, as nearly as possible, that the stock held on behalf of the state in such company, bears to the whole capital stock thereof. *Where the stock held on behalf of the state in a company is more than two-fifths of the whole capital stock thereof, an appointment shall not be made under this section, but the state shall vote in the election of directors in such company in the general meetings of stockholders.*"

A motion was made by Mr. RIVES to amend the said bill, by striking from the said section the words in *italics*, and it was determined in the negative. Ayes 47, noes 50.

On motion of Mr. RIVES, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Brown, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Jones, Vaughan, M'Clung, Edwards of Franklin, Wood, Sydnor, Guerrant, Maclin of Greenville, Major, Allen, Hiett, Mullins, Houser, Tomlin, Edmondson, Newman, Arnett, Coleman, Tanzey, Yerby, Turner, Hiner, Cackley, Fairfax, Wootton, Rives, Cook, Dorman, Paxton, Harper, Sibert, Griffin, Conway, Hargrave, Nicholson, Burdett, George, Boyers, Massey, Goodson and Collins—47.

NOES—Messrs. Hart, Smith, Dillard, Cheatham, M'Cue, Mitchell, Burwell, Faulkner, Hudson, Byrne of Braxton, Lewis and Gilmer, Forbes, Moore, Wills, Irvine of Campbell, Lacy, Irving of Cumberland, Thomas, Scott, Stillman, Price, Stovall, Lancaster, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Laidley, Webb, Lane of Lee, Harrison of Loudoun, Edwards of Loudoun, Shepard, Clendenin, Whittle, Barnett, Kilby, Perrow, Robinson, Cowper, Booth, Pannill, Syme, Townes, Grasty, Goff, Mayo, Aston, Fugate, Thompson of Smyth, Moncure of Stafford, and Boyd—50.

The 92d chapter, 15th section, provides, that "No master shall be required to have a pilot to conduct his vessel above *Hampton Roads*, Yorktown, Mobjack bay," &c.

A motion was made by Mr. ROBINSON to amend the said section, by striking out the words "*Hampton Roads*," and inserting the words "*City Point*," and it was determined in the negative.

Mr. DORMAN then demanded that the main question be now put upon engrossing the bill as amended and reading it a third time, and it was sustained by the house, and being put was determined in the affirmative.

The bill was forthwith engrossed, and the rule of the house being suspended therefor, was read a third time and passed.

Ordered, That Mr. MONCURE of Stafford carry the same to the senate, and request their concurrence.

A bill concerning the Civil Code of Virginia, part III, was read the first, and on motion, the second time.

The same was amended, on motion of Mr. WILLS, in the 8th section of the 103d chapter.

A motion was made by Mr. DORMAN, that the house resolve itself into a committee of the whole house to take said bill into consideration; and the question being put thereupon, was determined in the negative. Ayes 40, noes 56.

On motion of Mr. MAJOR, the vote was recorded as follows:

AYES—Messrs. Finney, Watson, Smith, M'Cue, Faulkner, De Camps, Forbes, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Cardwell, Vaughan, Thomas, Scott, Stillman, Bassel, Lancaster, Mullins, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Tomlin, Ferguson, Harrison of Loudoun, Edwards of Loudoun, Arnett, Perrow, Cowper, Syme, Townes, Grasty, Fairfax, Mayo, Cook, Dorman, Harper, Goodson, Collins and Boyd—40.

NOES—Messrs. Hopkins, (speaker,) Dillard, Cheatham, Brown, Mitchell, Burwell, Hudson, Byrne of Braxton, Lewis and Gilmer, Harrison of Brunswick, Moore, Jones, Irving of Cumberland, Clarke, M'Clung, Edwards of Franklin, Wood, Sydnor, Baily, Guerrant, Price, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Laidley, Houser, Webb, Lane of Lee, Edmondson, Newman, Clendenin, Coleman, Whittle, Tanzey, Beirne of Monroe, Kilby, Butt, Booth, Pannill, Turner, Hiner, Cackley, Wootton, Paxton, Aston, Fugate, Pittman, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson, George and Massey—56.

The 104th chapter, § 1, provides, "If any person sell wine, ardent spirits, or any mixture thereof, or any other intoxicating liquor, to a slave, without the written consent of his master *or the agent of his master*, he shall forfeit," &c.

The said section was amended on motion of Mr. WATSON, by striking out the words "or agent of his master."

The 6th section of the same chapter provides, that "Any person permitting a slave under his control to go at large, trade as a free man, or hire himself out *for his own or his master's benefit*, shall forfeit not less than ten nor more than thirty dollars."

The said section was amended on motion of Mr. MAYO, by striking out the words "for his own or his master's benefit."

A motion was made by Mr. THOMAS, to amend the 106th chapter, on the subject "of suits for freedom," by inserting after the fourth section the following:

5. "If any person or persons shall be found aiding, abetting or maintaining any person in the prosecution of a suit upon a petition as aforesaid, and such person or persons shall fail to establish his or their claim to freedom, every person so found aiding, abetting or maintaining, shall forfeit and pay to the owner of such slave, or to the person who shall prosecute for the same, the sum of one hundred dollars for every person so complaining, to be recovered by action of debt or information in any court of record within this commonwealth, and moreover be liable to an action on the case for damages arising therefrom to the party grieved thereby."

The said amendment was amended, on motion of Mr. YERBY, by inserting in the first line, after the word "persons," the words "other than a citizen of this state;" and the question being put upon adopt-

ing the amendment as amended, was determined in the negative. Ayes 41, noes 43.

On motion of Mr. ROBINSON, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Hart, Watson, Smith, Dillard, Cheatham, Brown, Hudson, Maclin of Brunswick, Harrison of Brunswick, Irvine of Campbell, Moncure of Caroline, Jones, Vaughan, Thomas, Sydnor, Guerrant, Maclin of Greenville, Stovall, Allen, Lancaster, Houser, Tomlin, Newman, Shepard, Coleman, Whittle, Kilby, Perrow, Robinson, Cowper, Yerby, Basye, Townes, Grasty, Wootton, Rives, Goff, Pittman, Sibert and Massey—41.

NOES—Messrs. Finney, M'Cue, Mitchell, Burwell, Forbes, Moore, Wills, Lacy, Barbour, Irving of Cumberland, Clarke, Scott, M'Clung, Edwards of Franklin, Clopton, Carroll, Price, Hiatt, Worthington, Thomson of Jefferson, Webb, Lane of Lee, Ferguson, Harrison of Loudoun, Edwards of Loudoun, Tanzey, Beirne of Monroe, Booth, Turner, Cackley, Mayo, Paxton, Aston, Fugate, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Nicholson, Burdett, George, Goodson and Boyd—43.

The 104th chapter, section fifth, provides, that "If any master or other person give written permission to a slave to obtain any intoxicating *liquor*, with the intent that he shall sell, barter or trade the same, or any part thereof, he shall forfeit twenty dollars," &c.

The same was amended on motion of Mr. HART, by inserting, after the word "*liquor*," the words "or furnish him with the same."

On motion of Mr. ROBINSON, the house adjourned until to-morrow morning half past 9 o'clock.

TUESDAY, JULY 3, 1849.

On motion of Mr. LAIDLEY, leave of absence was granted him for the remainder of the session, from and after to-morrow.

A motion was made by Mr. LAIDLEY, that the house adopt the following resolution :

Resolved, That the committee on revision enquire into the expediency of providing more effectually for the protection of the property of married women.

A motion was made by Mr. FERGUSON, to amend the same by striking out the words "the committee on revision," and inserting in lieu thereof the words "a select committee be appointed to."

A motion was then made by Mr. HINER, that the farther consideration of the said resolution and proposed amendment be indefinitely postponed, and it was determined in the negative. Ayes 50, noes 52.

On motion of Mr. BASSEL, the vote was recorded as follows :

AYES—Messrs. Watson, Dillard, Cheatham, Brown, Faulkner, De Camps, Maclin of Brunswick, Harrison of Brunswick, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Jones, Barbour, Irving of Cumberland, Vaughan, Thomas, Stillman, Edwards of Franklin, Wood, Sydnor, Clopton, Guerrant, Stovall, Major, Allen, Mullins, Thomson of Jefferson, Houser, Lane of Lee, Harrison of Loudoun, Arnett, Whittle, Beirne of Monroe, Butt, Cowper, Booth, Hiner, Wootton, Rives, Cook, Dorman, Harper, Aston, Conway, Moncure of Stafford, Hargrave, Goodson, Collins and Boyd—50.

NOES—Messrs. Hopkins, (speaker,) Finney, Smith, M'Cue, Mitchell, Barwell, Hudson, Byrne of Braxton, Lewis and Gilmer, Forbes, Moore, Cardwell, Clarke, Scott, M'Clung, Baily, Carroll, Maclin of Greenville, Hiatt, Darra-cott, Bassel, Lancaster, Howard of James City, York and Williamsburg, Worthington, Laidley, Tomlin, Webb, Ferguson, Edwards of Loudoun, Edmondson, Newman, Shepard, Clendenin, Coleman, Tanzey, Barnett, Kilby, Perrow, Yerby, Turner, Townes, Grasty, Cackley, Fairfax, Goff, Paxton, Fugate, Pittman, Sibert, Thompson of Smyth, Nicholson, George and Massey—52.

The said amendment was then agreed to, and the resolution as amended was also agreed to.

The **SPEAKER** deferred announcing said committee until to-morrow.

On motion of Mr. **FERGUSON**, leave of absence was granted to Mr. **MOORE** for the remainder of the session, from and after Friday next.

Mr. **SMITH** presented a petition of Susan Horwell, asking to be divorced from her husband, which was ordered to be laid upon the table.

A bill concerning the Civil Code of Virginia, part III, was taken up.

A motion was made by Mr. **RIVES**, to amend the 107th chapter by inserting after the seventh section the following section :

"If any free negro so registered shall remove into another county, it shall and may be lawful for any magistrate of the county or corporation in which he or she may intrude, to issue a warrant to apprehend said free negro ; and if upon examination it be found that he has no honest employment by which to maintain himself, such free negro shall be deemed and treated as a vagrant."

And the question being put thereupon was determined in the negative. Ayes 23, noes 60.

On motion of Mr. **RIVES**, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Faulkner, Vaughan, Guerrant, Lancaster, Tomlin, Edmondson, Newman, Arnett, Coleman, Kilby, Butt, Cowper, Pannill, Rives, Strother, Paxton, Pittman, Sibert, Griffin, Hargrave, Nicholson and Massey—23.

NOES—Messrs. Finney, Hart, Watson, Smith, Dillard, Brown, Mitchell, Burwell, Hudson, De Camps, Wills, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Clarke, Thomas, Scott, M'Clung, Stillman, Edwards of Franklin, Wood, Sydnor, Baily, Clopton, Carroll, Stovall, Major, Allen, Hiatt, Bassel, Howard of James City, York and Williamsburg, Worthington, Thompson of Jefferson, Laidley, Lane of Lee, Ferguson, Harrison of Loudoun, Shepard, Whittle, Tanzey, Beirne of Monroe, Booth, Buswell, Turner, Hiner, Townes, Grasty, Wootton, Goff, Dorman, Harper, Aston, Fugate, Thompson of Smyth, Conway, Moncure of Stafford, George and Boyd—60.

The 108th chapter contains the following as its 13th section :

"If any female, of the age of twelve and under fourteen years, shall marry any person without the consent of her father or guardian, or if she have none, of her mother, the next of kin to such female, to whom the inheritance would descend or come if she were then to die, may enter upon and take possession of all the real estate she then had, and have, hold, occupy and enjoy the same, to them and their heirs, during the time of such coverture ; and after the determination thereof all such real estate shall immediately revert in the woman and her heirs, other than her husband, and they may re-enter and take possession thereof."

On motion of Mr. PERROW, the said bill was amended by striking from the chapter the said thirteenth section.

A motion was made by Mr. COOK, that when the house adjourns to-day it will adjourn until Thursday morning at the usual hour, and it was determined in the negative.

On motion of Mr. M'CUE,

Resolved, That, until otherwise ordered, this house will meet at 9 o'clock, A. M., daily.

On motion of Mr. THOMAS, the house adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, JULY 4, 1849.

A communication from the senate by their clerk was read as follows:

IN SENATE, JULY 3, 1849.

The senate have passed the bill, "concerning the Civil Code of Virginia," book I, with amendments, in which they request the concurrence of the house of delegates.

On motion of Mr. SCOTT, the bill and amendments were ordered to be laid upon the table, and the said amendments were ordered to be printed.

The SPEAKER announced the following as the committee under the resolution submitted on yesterday by Mr. LAIDLEY, relative to the protection of the property of married women: Messrs. Faulkner, Ferguson, Sheffey, Harvey, Lacy, Burwell, Strother, Worthington, Kilby, Watson, Irving of Cumberland, Irvine of Campbell, and Wood.

A bill concerning the Civil Code of Virginia, part III, was taken up.

The twelfth chapter, section fourth, provides that "the court to which any such petition may be presented, shall assign the petitioner counsel, who, without reward, shall aid him in the prosecution of his suit; and until the person claiming to be the owner, or some one for him, will enter into bond, before the court or its clerk, in such penalty as the court shall direct, conditioned to have the petitioner forthcoming to abide the judgment of the court, and in the meantime to allow him reasonable opportunity to prepare for trial, shall deliver him in charge to the proper officer for safe keeping, at the expense of the person so claiming to be *owner*. The petitioner shall have, free of cost, all needful process, services of officers and attendance of witnesses."

On motion of Mr. PERROW, the said section was amended by inserting before the last sentence of the section, and after the word "*owner*," the following: "but the petitioner may, in the mean time, be hired out if the court so order, and the hire shall be disposed of as the court shall direct."

A motion was made by Mr. PANNILL, that the house do now adjourn, and it was determined in the negative. Ayes 27, noes 67.

On motion of Mr. EDWARDS, the vote was recorded as follows :

AYES—Messrs. Smith, Faulkner, De Camps, Wills, Irvine of Campbell, Lacy, Barbour, Vaughan, Carroll, Lancaster, Mullins, Worthington, Thomson of Jefferson, Houser, Tomlin, Ferguson, Arnett, Barnett, Gustin, Kilby, Butt, Pannill, Strother, Cook, Massey, Goodson and Boyd—27.

NOES—Messrs. Hopkins, (speaker,) Finney, Watson, Dillard, Cheatham, M'Cue, Mitchell, Byrue of Braxton, Lewis and Gilmer, Harrison of Brunswick, Forbes, Moore, Moncure of Caroline, Cardwell, Jones, Irving of Cumberland, Clarke, Thomas, Scott, M'Clung, Stillman, Edwards of Franklin, Wood, Sydnor, Baily, Clopton, Guerrant, Price, Stovall, Major, Allen, Hiatt, Bassel, Howard of James City, York and Williamsburg, Webb, Lane of Lee, Harrison of Loudoun, Edmondson, Newman, Clendenin, Whittle, Tanzey, Beirne of Monroe, Perrow, Yerby, Buswell, Turner, Hiner, Townes, Grasty, Cackley, Fairfax, Wootton, Rives, Harrison of Prince William, Goff, Paxton, Harper, Aston, Fugate, Pittman, Sibert, Griffin, Conway, Moncure of Stafford, Hargrave, George and Harvey—67.

Pending said vote a motion was made by Mr. RIVES, that he be excused from voting on the question, and it was determined in the negative.

A message was received from the senate by Mr. STRINGER, who informed the house that the senate had passed a bill, entitled "an act to take the sense of the citizens of Wayne county upon the removal of the seat of justice of said county," with amendments, in which they requested the concurrence of the house of delegates.

The bill concerning the Civil Code of Virginia, part III, was again considered.

The 112th chapter, section 39, contains the following clause : "The said register shall not issue any grant for land upon any *survey* made after this act takes effect, unless there be endorsed on such survey an affidavit," &c.

On motion of Mr. PRICE, the same was amended by inserting after the word "survey," the words ("other than an inclusive survey.")

The 114th chapter, § 3, is the following :

"So much of any such lands as may not have been redeemed by the former owners or sold by the commonwealth as delinquent and omitted lands by virtue of any acts heretofore passed, nor vested in any *bona fide* claimant in pursuance of the two preceding sections, shall be liable to entry, survey and grant, in the same manner as waste and unappropriated land. *But no such grant shall hereafter issue, or be valid to pass the right of the commonwealth or the Literary fund, to any such delinquent and omitted land, unless the fact of the forfeiture, and the person in whose name it was incurred, be stated in the entry and grant.*"

The said section was amended, on motion of Mr. FERGUSON, by striking out the words in *italics*.

The said section was further amended, on motion of Mr. LANE of Lee, by striking out the word "*delinquent*" where it first occurs, and inserting in lieu thereof the word "*forfeited*."

A motion was made by Mr. MOORE that the said bill, as amended, be laid upon the table, and it was agreed to by the house.

The bill, entitled "an act to take the sense of the citizens of Wayne county upon the removal of the seat of justice of said county, with the amendments thereto proposed by the senate, was taken up on motion of Mr. MOORE, and the said amendments being read, were severally agreed to.

Ordered, That the clerk inform the senate thereof.

A motion was made by Mr. DORMAN, that the house do now adjourn, and it was determined in the negative. Ayes 35, noes 52.

On motion of Mr. MASSEY, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Finney, Cheatham, Brown, Faulkner, De Camps, Moore, Moncure of Caroline, Cardwell, Barbour, Clarke, Scott, Wood, Sydnor, Stovall, Hiatt, Bassel, Lancaster, Worthington, Thomson of Jefferson, Houser, Ferguson, Arnett, Barnett, Kilby, Buswell, Townes, Goff, Strother, Cook, Dorman, Fugate, Sibert, Harvey and Collins—35.

NOES—Messrs. Watson, Dillard, M'Cue, Mitchell, Burwell, Byrne of Braxton, Lewis and Gilmer, Wills, Lacy, Jones, Irving of Cumberland, Thomas, Rector, M'Clung, Stillman, Edwards of Franklin, Baily, Clopton, Guerrant, Carroll, Price, Major, Allen, Howard of James City, York and Williamsburg, Tomlin, Lane of Lee, Harrison of Loudoun, Newman, Clendenin, Whittle, Tanzey, Beirne of Monroe, Yerby, Turner, Hiner, Grasty, Cackley, Fairfax, Wootton, Rives, Harrison of Prince William, Paxton, Aston, Pittman, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson, George, Massey, Goodson and Boyd—52.

A motion was made by Mr. PRICE, that the house take up the bill concerning the Civil Code of Virginia, part III, and the question being put thereupon, it appeared that there was no quorum.

Thereupon, a motion was made by Mr. HOUSER that the house do now adjourn, and it was determined in the negative. Ayes 28, noes 50.

On motion of Mr. GEORGE, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Cheatham, Brown, Faulkner, De Camps, Moncure of Caroline, Cardwell, Barbour, Scott, Sydnor, Stovall, Allen, Lancaster, Worthington, Thomson of Jefferson, Houser, Ferguson, Arnett, Barnett, Buswell, Grasty, Goff, Strother, Cook, Dorman, Fugate, Sibert and Griffin—28.

NOES—Messrs. Watson, Dillard, M'Cue, Mitchell, Byrne of Braxton, Lewis and Gilmer, Moore, Wills, Lacy, Jones, Irving of Cumberland, Clarke, Thomas, Rector, M'Clung, Stillman, Edwards of Franklin, Baily, Clopton, Guerrant, Carroll, Price, Major, Bassel, Tomlin, Lane of Lee, Harrison of Loudoun, Newman, Clendenin, Whittle, Tanzey, Beirne of Monroe, Kilby, Yerby, Hiner, Townes, Cackley, Fairfax, Wootton, Rives, Paxton, Harper, Aston, Pittman, Conway, Moncure of Stafford, George, Massey, Goodson, Harvey and Boyd—50.

The question was again put upon taking up said bill, and was determined in the affirmative. Ayes 62, noes 9.

On motion of Mr. HINER, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Watson, Dillard, M'Cue, Brown, Mitchell, Faulkner, Byrne of Braxton, Lewis and Gilmer, Moore, Wills, Irvine of Campbell, Moncure of Caroline, Jones, Barbour, Irving of Cumberland, Clarke, Thomas, Scott, Stillman, Edwards of Franklin, Sydnor, Baily, Clopton, Guerrant, Carroll, Price, Stovall, Major, Hiatt, Bassel, Tomlin, Lane of

Lee, Harrison of Loudoun, Newman, Clendenin, Whittle, Tanzey, Beirne of Monroe, Kilby, Perrow, Yerby, Turner, Hiner, Townes, Grasty, Cackley, Fairfax, Wootton, Rives, Harrison of Prince William, Strother, Dorman, Paxton, Harper, Aston, Fugate, Pittman, Griffin, Conway, Moncure of Stafford, George and Boyd—62.

NOES—Messrs. Rector, Lancaster, Howard of James City, York and Williamsburg, Worthington, Buswell, Cook, Sibert, Goodson and Collins—9.

The bill having been for some time under consideration,

A motion was made by Mr. PRICE that the house do now adjourn, and it was determined in the negative. Ayes 44, noes 44.

On motion of Mr. LACY, the vote was recorded as follows :

AYES—Messrs. Finney, Watson, Cheatham, Mitchell, Faulkner, Moore, Irvine of Campbell, Moncure of Caroline, Cardwell, Irving of Cumberland, Vaughan, Scott, M'Clung, Stillman, Wood, Guerrant, Price, Stovall, Allen, Bassel, Lancaster, Howard of James City, York and Williamsburg, Worthington, Houser, Ferguson, Arnett, Clendenin, Barnett, Gustin, Perrow, Buswell, Townes, Grasty, Cackley, Fairfax, Harrison of Prince William, Strother, Dorman, Fugate, Pittman, Sibert, Griffin, Collins and Boyd—44.

NOES—Messrs. Hopkins, (speaker,) Dillard, Brown, Byrne of Braxton, Lewis and Gilmer, De Camps, Wills, Lacy, Jones, Clarke, Thomas, Rector, Claiborne, Edwards of Franklin, Sydnor, Baily, Clopton, Carroll, Maclin of Greenville, Major, Hiatt, Tomlin, Lane of Lee, Harrison of Loudoun, Newman, Whittle, Tanzey, Beirne of Monroe, Kilby, Yerby, Turner, Hiner, Wootton, Rives, Goff, Cook, Paxton, Harper, Aston, Conway, Moncure of Stafford, George, Massey, Goodson and Harvey—44.

The house proceeded to consider said bill ; thereupon a motion was made by Mr. PERROW that the house do now adjourn, and it was determined in the negative. Ayes 33, noes 47.

On motion of Mr. DORMAN, the vote was recorded as follows :

AYES—Messrs. Finney, Watson, Dillard, Faulkner, Moncure of Caroline, Irving of Cumberland, Vaughan, Clarke, Scott, M'Clung, Stillman, Claiborne, Wood, Guerrant, Price, Stovall, Allen, Lancaster, Worthington, Webb, Ferguson, Harrison of Loudoun, Barnett, Gustin, Perrow, Buswell, Townes, Grasty, Cackley, Harrison of Prince William, Strother, Pittman, and Moncure of Stafford—33.

NOES—Messrs. Hopkins, (speaker,) Brown, Mitchell, Byrne of Braxton, Lewis and Gilmer, De Camps, Wills, Lacy, Cardwell, Jones, Thomas, Rector, Edwards of Franklin, Sydnor, Baily, Clopton, Carroll, Maclin of Greenville, Major, Hiatt, Bassell, Houser, Tomlin, Lane of Lee, Newman, Tanzey, Beirne of Monroe, Kilby, Turner, Hiner, Wootton, Rives, Goff, Cook, Dorman, Paxton, Martz, Harper, Aston, Fugate, Sibert, Griffin, Conway, George, Massey, Goodson, Collins and Boyd—47.

A motion was made by Mr. WATSON to amend the first section of the 116th chapter, and the same being under discussion,

A motion was made by Mr. STROTHER that the house do now adjourn, and it was determined in the affirmative. Ayes 48, noes 33.

On motion of Mr. FERGUSON, the vote was recorded as follows :

AYES—Messrs. Finney, Watson, Dillard, Cheatham, Mitchell, Burwell, Faulkner, Byrne of Braxton, Lewis and Gilmer, De Camps, Moore, Moncure of Caroline, Jones, Barbour, Irving of Cumberland, Vaughan, Scott, Rector, Stillman, Baily, Guerrant, Price, Stovall, Major, Hiatt, Lancaster, Worthing-

ton, Thomson of Jefferson, Webb, Newman, Clendenin, Whittle, Beirne of Monroe, Barnett, Gustin, Buswell, Turner, Hiner, Townes, Grasty, Fairfax, Harrison of Prince William, Strother, Paxton, Aston, Pittman, Hargrave, Collins and Boyd—48.

NOES—Messrs. Hopkins, (speaker,) Brown, Harrison of Brunswick, Wills, Lacy, Clarke, Thomas, Edwards of Franklin, Wood, Sydnor, Clopton, Carroll, Maclin of Greenville, Houser, Tomlin, Lane of Lee, Ferguson, Harrison of Loudoun, Tanzey, Kilby, Perrow, Yerby, Rives, Goff, Cook, Dorman, Harper, Fugate, Sibert, Conway, Moncure of Stafford, George and Massey—33.

And then the house adjourned until to-morrow morning 9 o'clock.

THURSDAY, JULY 5, 1849.

A bill concerning the Civil Code of Virginia, part III, was taken up.

The 116th chapter, § 1, provides, that "No estate of inheritance or freehold, or for a term of more than five years, in lands, shall be conveyed, unless by deed or will; and no gift of a slave, or of any goods or chattels, shall be valid, unless by deed or will, or unless actual possession shall have come to and remained with the donee, or some person claiming under him. If the donor and donee reside together at the time of the *gift*, possession at the place of their residence shall not be a sufficient possession within the meaning of this section."

The motion submitted by Mr. WATSON on yesterday, which was pending when the house adjourned, proposed to amend the section in the last clause, by inserting after the word "gift," the words "of a slave," and it was determined in the negative.

A motion was made by Mr. IRVING of Cumberland to amend the same section, by striking out "If the donor and donee reside together at the time of the gift, possession at the place of their residence shall not be a sufficient possession within the meaning of this section."

And the question being put thereupon, was determined in the negative.

A motion was made by Mr. FERGUSON, that the house now resolve itself into a committee of the whole house to take said bill into consideration, and it was determined in the affirmative. Ayes 55, noes 40.

On motion of Mr. MAJOR, the vote was recorded as follows:

AYES—Messrs. Finney, Watson, Smith, M'Cue, Brown, Mitchell, Burwell, Faulkner, De Camps, Forbes, Wills, Moncure of Caroline, Lacy, Vaughan, Clarke, Thomas, Scott, Rector, M'Clung, Stillman, Allen, Hiatt, Bassell, Lancaster, Mullins, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Tomlin, Ferguson, Harrison of Loudoun, Edwards of Loudoun, Arnett, Clendenin, Whittle, Barnett, Gustin, Kilby, Perrow, Butt, Cowper, Pannill, Buswell, Townes, Grasty, Cackley, Harrison of Prince William, Goff, Strother, Dorman, Fugate, Sibert, Massey, Goodson and Boyd—55.

NOES—Messrs. Hopkins, (speaker,) Dillard, Cheatham, Byrne of Braxton, Lewis and Gilmer, Cardwell, Jones, Barbour, Irving of Cumberland, Claiborne, Edwards of Franklin, Wood, Sydnor, Baily, Clopton, Guerrant, Car-

roll, Price, Major, Houser, Webb, Lane of Lee, Newman, Tanzey, Beirne of Monroe, Turner, Hiner, Fairfax, Wootton, Rives, Cook, Paxton, Aston, Pittman, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, George, Harvey and Collins—40.

The house accordingly resolved itself into committee of the whole, Mr. STROTHER in the chair; and after some time spent therein, the SPEAKER resumed the chair, and Mr. STROTHER reported that the said committee had, according to order, taken into consideration a bill concerning the Civil Code of Virginia, part III, and made progress therein, but not having time to go through the same, had instructed him to ask leave to sit again.

Ordered, That the house will again on to-morrow resolve itself into a committee of the whole house, to take said bill into consideration.

On motion of Mr. DORMAN, the house adjourned until to-morrow morning 9 o'clock.

FRIDAY, JULY 6, 1849.

The SPEAKER laid before the house a communication from Messrs. John M. Patton and Conway Robinson, which was read as follows:

RICHMOND, 3d July 1849.

SIR,—Herewith you will receive our report on the revision of that part of the Code which relates to crimes and punishments, including the cases concerning the penitentiary. This completes the duty devolved on us of revising the laws of the state.

You will be pleased to lay this report before the house of delegates.

We have the honour to be, very respectfully, yours, &c. &c.

JNO. M. PATTON,
CON. ROBINSON.

To the Speaker of the House of Delegates.

On motion of Mr. MONCURE of Stafford,

Ordered, That the said report be referred to the committee on revision.

On motion of Mr. MONCURE of Stafford, the house resolved itself into a committee of the whole house, Mr. STROTHER in the chair; and after some time the SPEAKER resumed the chair, and Mr. STROTHER reported that the said committee had, according to order, taken into consideration a bill concerning the Civil Code of Virginia, part III, and made progress therein, and asked leave to sit again.

Ordered, That this house will again, on to-morrow, resolve itself into a committee of the whole house to take said bill into consideration.

On motion of Mr. LACY, the house adjourned until to-morrow morning 9 o'clock.

SATURDAY, JULY 7, 1849.

On motion of Mr. FAULKNER, the house resolved itself into a committee of the whole house, Mr. STROTHER in the chair; and after some time the SPEAKER resumed the chair, and Mr. STROTHER reported that said committee had, according to order, taken into consideration a bill concerning the Civil Code of Virginia, part III, and made progress therein, and asked leave to sit again.

Ordered, That the house will again, on Monday next, resolve itself into a committee of the whole house to take said bill into consideration.

On motion of Mr. FUGATE, the house adjourned until Monday morning 9 o'clock.

MONDAY, JULY 9, 1849.

The SPEAKER laid before the house the following communication from the public librarian, which was read, and on motion of Mr. FAULKNER, ordered to be laid upon the table:

RICHMOND, June 21, 1849.

*To the Hon. HENRY L. HOPKINS,
Speaker of the House of Delegates.*

SIR,—I beg leave, through you, to ask leave of the house to submit a brief statement in regard to my official conduct as state librarian.

By the act of February 11, 1828, the executive was required to select and fit up a room in the capitol for the library; to provide rules for its government, and I was required to act as librarian.

The rules so prescribed are those now in force, and but a single one has since been added. The library was first opened with a small collection of books, at the December session 1828, and was soon afterwards placed under the direction and control of a joint committee of the two houses. The question soon arose as to who were entitled to the use of the library, and the joint committee instructed the librarian that the institution was for public purposes, as specified in the law, to wit, for the use of the court of appeals, the general court, the general assembly and the several departments of the government. But that it would be consistent with its character as a state institution, to extend the courtesy of admission to all visitors to the metropolis, citizens of our own and other states and countries; to gentlemen of the bar, non-residents of Richmond, who often attend the courts here; and that though indiscriminate access to a large local population was inadmissible, yet that any person who, for the purposes of legal, historical, scientific or literary research, desired access to books in the library which he could not otherwise obtain, should be accommodated. These instructions have been fully carried out, and have never been changed

by subsequent committees. The librarian has always endeavoured to have it understood that these were the courtesies of the state, not his. But the office is one in which no man can avoid giving offence to some; and hence while I have always endeavoured to perform its duties with fidelity to the state, and with courtesy to all, I have not escaped much unjust and unfounded censure from those who under the existing laws have no right to the use of the library.

If distinguished gentlemen of the bar desire to use it for their own personal accommodation daily, surely the librarian is not to blame that they have no right to do so; and if that officer in the discharge of his duty, but in as civil terms as he knows how to employ, informs them why it is inadmissible, they should not, therefore, charge him with treating them as intruders. That complaint of the librarian was made to individual members composing the joint committee at the session of 1840-41—not to the committee collectively—in very much the same terms in which it seems to have been conveyed to a distinguished member of the house of delegates. The report of that committee will shew that they approved the course which had been pursued by the librarian. Certain it is that no incivility was ever offered by him to any one of the distinguished gentlemen who have been referred to, either in act, word or intention.

As regards the proposed change in the mode of selling the reports, I beg leave to say that nothing has been farther from my wish than to thwart the plan which has been adopted by the committee of revisors. But knowing as I do, that through misconception or want of information on the part of one of the revisors, the committee have been led into a mistake which will almost certainly fail in the results expected from it, I only desired to have the matter left under the control of the library committee, so that if the plan, upon trial, should not succeed, they may not be bound to it by positive legal restrictions. I desired this for the public interest, not my own, nor to save myself trouble.

For twenty years, under the supervision of the committee, I have used every possible exertion here, in Philadelphia and in New York, to extend the sales of the Virginia Reports, and feel confident that if the reports of the committee from year to year be examined, it will appear that every copy has been sold that could have been sold under any circumstances, and that without the loss of one dollar to the state. From the amount of sales made by me to law booksellers in Richmond during the entire term of twenty years, I am warranted in saying that they are always prepared to supply purchasers with the Virginia Reports—and catalogues of the two principal law houses in Philadelphia and New York, for the two last years, shew that they also have every one of the Virginia Reports for sale. This state of facts I judge to be but little known, as the impression seems to prevail that the Reports are now for the first time to be thrown into the market, and that heretofore no purchaser could obtain one without a pilgrimage to the attic of the capitol.

How, or why the state first became the purchaser of these Reports I do not know—but certain it is that for the series from Gilmer to Leigh, inclusive, she paid a very high price. Every volume of Leigh's

Reports, except the first, cost her over \$6 per copy, and some of them above \$7—yet none of them have been sold by her at more than \$6 per copy—nor is the price generally above the average price of the Reports of other states.

I went but once before the committee of revisors on this subject, and then understood they had sent for me. It was not in my power to attend immediately, and after getting there it seemed to me that they were already decided. The labours of the committee were intense, and it was not then in my power, upon a sudden call, to present the details necessary to a true understanding of the subject. Considering the matter settled, I had no wish to appear before them again in reference to it, nor have I the slightest recollection of having solicited that or any other interview. I was before them subsequently for several entire days upon the militia law, but attended at the request of the respected chairman. This has doubtless led to the mistake in regard to the other subject.

The fourteen agencies for the sale of the Reports and other stock, were established in 1830 under the instructions of the library committee—it was an experiment—I had no instructions or authority to demand security, nor would it have been given if required. I did all that could be done to close them without loss to the state.

I am, sir, very respectfully, your ob't serv't,

WM. H. RICHARDSON.

On motion of Mr. M'CUE, the house resolved itself into a committee of the whole house, Mr. YERBY in the chair; and after some time spent therein, the SPEAKER resumed the chair, and Mr. YERBY reported that the said committee had, according to order, taken into consideration a bill concerning the Civil Code of Virginia, part III, and made progress therein, but not having time to go through the same, had instructed him to ask leave to sit again.

Ordered, That this house will again, on to-morrow, resolve itself into a committee of the whole house to take said bill into consideration.

On motion of Mr. TURNER, the house adjourned until to morrow morning 9 o'clock.

TUESDAY, JULY 10, 1849.

On motion of Mr. STOVALL, the bill, entitled "an act concerning the Civil Code of Virginia," part I, with the amendments of the senate thereto, was taken up, and the said amendments being read, the first and second amendments were severally agreed to.

The senate, in their third amendment, proposed to strike from the 7th chapter the 21st section, which is the following:

"If by reason of an equality of votes, for two or more persons, or other cause, there be no election of a delegate for any county or corporation, at the time appointed therefor, the officer conducting the elec-

tion at the courthouse of such county or corporation; or if for such reason, there be no election of a delegate for an election district, or a senator, or member of congress, at the time appointed therefor, the officers conducting the elections at the several courthouses of the district in which such failure may occur, shall forthwith give notice thereof by advertisement at four suitable places in the proper counties or corporations, and an election to fill the vacancy occasioned by such failure shall be held on the fourth Thursday of the month succeeding that on which the election was before appointed to be held; and so from time to time until an election be had; except that in case of a failure to make an election to fill a vacancy happening during the session of the general assembly, or of congress, as the case may be, the election shall be held at such time as may be appointed by the officers conducting the election at the courthouses of the proper counties, corporations or districts, provided the same be not less than ten nor more than twenty days from the time when such failure shall be ascertained."

And the question being put upon agreeing to said amendment, was determined in the negative. Ayes 37, noes 60.

On motion of Mr. SCOTT, the vote was recorded as follows:

AYES—Messrs. Dillard, Cheatham, Brown, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Vaughan, M'Clung, Wood, Baily, Carroll, Stovall, Major, Allen, Mullins, Houser, Lane of Lee, Harrison of Loudoun, Edmondson, Newman, Tanzey, Beirne of Monroe, Butt, Buswell, Wootton, Rives, Cook, Paxton, Fugate, Sibert, Moncure of Stafford, Hargrave, George, Massey, Goodson and Collins—37.

NOES—Messrs. Hopkins, (speaker,) Finney, M'Cue, Sheffey, Mitchell, Burwell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Forbes, Wills, Lacy, Cardwell, Irving of Cumberland, Clarke, Scott, Rector, Howard of Floyd, Stillman, Claiborne, Edwards of Franklin, Clopton, Guerrant, Price, Hiatt, Lancaster, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Tomlin, Webb, Ferguson, White, Harris, Arnett, M'Donald, Barnett, Kilby, Perrow, Cowper, Yerby, Booth, Pitts, Turner, Syme, Townes, Grasty, Harrison of Prince William, Goff, Dorman, Martz, Harper, Aston, Pittman, Thompson of Smyth, Griffin, Harvey and Boyd—60.

A motion was made by Mr. FERGUSON, that the rule of the house be suspended for the purpose of reconsidering the vote disagreeing to the said amendment; and the question being put thereupon, was determined in the negative. Ayes 46, noes 56.

On motion of Mr. GOFF, the vote was recorded as follows:

AYES—Messrs. Dillard, Cheatham, Brown, De Camps, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Vaughan, M'Clung, Edwards of Franklin, Baily, Guerrant, Carroll, Stovall, Major, Allen, Bassel, Mullins, Houser, Lane of Lee, Ferguson, Harrison of Loudoun, Harris, Edmondson, Newman, Coleman, Tanzey, Beirne of Monroe, Butt, Buswell, Wootton, Rives, Harrison of Prince William, Dorman, Paxton, Harper, Fugate, Pittman, Sibert, Moncure of Stafford, Hargrave, George, Massey, Goodson and Collins—46.

NOES—Messrs. Hopkins, (speaker,) Finney, M'Cue, Sheffey, Mitchell, Burwell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Forbes, Wills, Irvine of Campbell, Lacy, Cardwell, Irving of Cumberland, Clarke, Scott,

Rector, Howard of Floyd, Stillman, Claiborne, Wood, Clopton, Price, Hiatt, Lancaster, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Tomlin, Webb, White, Edwards of Loudoun, Arnett, M'Donald, Clendenin, Barnett, Kilby, Perrow, Cowper, Yerby, Booth, Pitts, Turner, Syme, Townes, Grasty, Goff, Strother, Martz, Aston, Thompson of Smyth, Griffin, Harvey and Boyd—56.

The fourth and sixth amendments were, on questions severally put thereupon, disagreed to by the house.

The fifth and seventh amendments were agreed to by the house.

The 15th chapter of the bill, as it passed the house, contained the following clause: "and the several clerks of the following standing committees of the house of delegates shall receive each the sum of thirty-five dollars every week until discharged from further duty by said committees, that is to say, the clerk of the committee of courts of justice; the clerk of the committee of propositions and grievances; the clerk of the committee of finance; the clerk of the committees of claims and privileges and elections; the clerk of the committees of roads and internal navigation and of schools and colleges; the clerk of the committees of agriculture and manufactures and of the militia laws; and the clerk of the committees on banks and on trade and mechanic arts."

The senate, in their eighth amendment, proposed to strike this clause from the section, and insert in lieu thereof the following: "The clerks of the several standing committees of the house of delegates shall be allowed for their services twenty-eight dollars per week until discharged, that is to say, the clerk of the *committees of courts of justice and finance; the clerk of the committees of claims and privileges and elections; the clerk of the committees of roads and internal navigation and schools and colleges; the clerk of the committees of propositions and grievances and agriculture and manufactures.* The said clerks shall perform the duties of clerks of the committees on banks and trade and mechanic arts, militia, and any similar service that may be required of them, without additional compensation."

The same was amended on motion of Mr. STOVALL, by striking out the words in *italics*, and inserting in lieu thereof the following: "committee of courts of justice; the clerk of the committee of propositions and grievances; the clerk of the committees of privileges and elections and agriculture and manufactures; the clerk of the committees of finance and claims; the clerk of the committees of roads and internal navigation and schools and colleges."

And the amendment, as amended, was then agreed to.

The ninth, tenth, eleventh and twelfth amendments were severally agreed to.

The seventeenth chapter of the bill as it passed this house, contained the following as its nineteenth section:

"He shall not grant a pardon to any person sentenced for a crime or misdemeanor by the judgment of a court, upon the ground that the conviction on which such sentence was founded was, in his opinion, either contrary to evidence, or without sufficient evidence, or contrary to law; but nothing herein contained shall prevent a pardon, if the

convict be recommended to mercy by the jury which sat on his trial, the court which pronounced the judgment, or the general court, nor when facts discovered since the trial, or not in evidence before the jury, make it proper; nor prevent the granting a reprieve until the end of the next session of the general assembly."

The thirteenth amendment of the senate proposed to strike from the chapter the said section; and the question being put upon agreeing to the said amendment, was determined in the negative. Ayes 47, noes 53.

On motion of Mr. SCOTT, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Dillard, Cheatham, Brown, De Camps, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Vaughan, M'Clung, Claiborne, Edwards of Franklin, Wood, Baily, Guerrant, Carroll, Stovall, Major, Allen, Hiatt, Houser, Tomlin, Lane of Lee, Ferguson, Harrison of Loudoun, Harris, Newman, M'Donald, Coleman, Tanzey, Butt, Cackley, Wootton, Rives, Harrison of Prince William, Paxton, Martz, Harper, Fugate, Pittman, Sibert, Moncure of Stafford, Hargrave, George, Goodson and Collins—47.

NOES—Messrs. Finney, M'Cue, Sheffey, Mitchell, Burwell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Forbes, Wills, Lacy, Cardwell, Irving of Cumberland, Clarke, Scott, Rector, Howard of Floyd, Stillman, Clopton, Price, Lancaster, Mullins, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Webb, White, Edwards of Loudoun, Edmondson, Arnett, Clendenin, Barnett, Kilby, Perrow, Cowper, Booth, Pitts, Buswell, Turner, Syme, Townes, Grasty, Goff, Cook, Dorman, Aston, Thompson of Smyth, Griffin, Burdett, Massey, Harvey and Boyd—53.

The fourteenth amendment was agreed to.

In their fifteenth amendment the senate proposed to strike from the 19th chapter the 20th, 21st, 22d and 23d sections, and to insert in lieu thereof other sections, to be numbered 20th, 21st, 22d, 23d, 24th, 25th and 26th sections.

The 24th section of the said amendment provides that "the court of appeals shall have power to make and enforce such rules and orders for the regulation of the law library at each place as may seem to it proper, so that they be not inconsistent with the provisions of this chapter."

The said section was amended on motion of Mr. SHEFFEY, by adding thereto the following words:

"But nothing in this section shall be construed to take from the joint library committee the power to alter said rules and orders as may seem proper to said joint committee."

The said amendment was further amended on his motion, by striking out the 26th section thereof, which is the following:

"Sec. 26. Both librarians, in respect to the law libraries, shall observe such rules, regulations and orders as the court may make in relation thereto. But nothing in sections 24th and 26th shall be construed to take from the joint library committee the power to make any alteration in the rules prescribed by the court of appeals, which may seem proper to said joint committee."

And the said amendment as amended was agreed to.

The sixteenth amendment proposed to strike from the 22d chapter the 6th, 7th, 8th, 9th and 10th sections, and to insert other sections in lieu thereof.

The 8th section of said amendment was amended on motion of Mr. MONCURE of Stafford, by striking out the words "all duties under the 3d section of this chapter," and inserting in lieu thereof the words "ordinary duties," and as amended was agreed to.

The seventeenth and eighteenth amendments of the senate were also agreed to.

The nineteenth amendment being under consideration, and the ayes and noes thereon having been ordered to be recorded, on motion of Mr. WALLACE,

A motion was made by Mr. DORMAN, that the house do now adjourn, and it was determined in the affirmative. Ayes 41, noes 32.

On motion of Mr. LANE of Lee, the vote was recorded as follows:

AYES—Messrs. Dillard, Cheatham, Sheffey, Mitchell, Burwell, Boak, De Camps, Forbes, Moncure of Caroline, Lacy, Rector, Carroll, Stovall, Allen, Hiatt, Lancaster, Worthington, Tomlin, Webb, Ferguson, M'Donald, Beirne of Monroe, Kilby, Cowper, Yerby, Pitts, Turner, Syme, Grasty, Goff, Strother, Dorman, Martz, Harper, Fugate, Sibert, Hargave, Burdett, Massey, Collins and Boyd—41.

NOES—Messrs. Hopkins, (speaker,) Finney, M'Cue, Brown, Faulkner, Byrne of Braxton, Lewis and Gilmer, Harrison of Brunswick, Wills, Jones, Clarke, Howard of Floyd, Edwards of Franklin, Major, Wallace, Lane of Lee, Harrison, of Loudoun, Harris, Newman, Tanzey, Booth, Buswell, Townes, Cackley, Rives, Harrison of Prince William, Paxton, Aston, Pittman, Thompson of Smyth, Moncure of Stafford, George and Harvey—32.

And then the house adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, JULY 11, 1849.

Mr. FAULKNER, from the committee appointed to enquire into the propriety of amending the laws so as to provide for the protection of the property of married women, presented a report, which on motion of Mr. FINNEY, was ordered to be printed.

The bill, entitled "an act concerning the Civil Code of Virginia," part I, with the senate's amendments thereto, was taken up.

By their 19th amendment, the senate proposed to add to the 1st section of the 25th chapter the following:

"There shall also be a muster of each company, including volunteer companies, semi-annually, in the months of April and October."

And the question being put upon agreeing thereto, was determined in the negative. Ayes 23, noes 71.

AYES—Messrs. Hopkins, (speaker,) Dillard, Cheatham, Brown, Harrison of Brunswick, Jones, Vaughan, Sydnor, Allen, Harrison of Loudoun, Harris, Edmondson, Barnett, Kilby, Turner, Wootton, Rives, Harrison of Prince William, Goff, Aston, Hargrave, Goodson and Harvey—23.

NOES—Messrs. Finney, M'Cue, Sheffey, Mitchell, Burwell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Wills, Irvine of Campbell, Lacy, Barbour, Irving of Cumberland, Clarke, Scott, Rector, Claiborne, Edwards of Franklin, Wood, Baily, Clopton, Guerrant, Carroll, Price, Stovall, Major, Hiatt, Bassell, Lancaster, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Tomlin, Webb, Lane of Lee, Ferguson, White, Newman, Arnett, M'Donald, Coleman, Tanzey, Beirne of Monroe, Robinson, Butt, Cowper, Yerby, Booth, Pitts, Buswell, Syme, Townes, Grasty, Cackley, Strother, Dorman, Paxton, Martz, Harper, Fugate, Pittman, Sibert, Thompson of Smyth, Griffin, Moncure of Stafford, Burdett, Massey, Collins and Boyd—71.

The senate, in their 20th amendment, proposed to insert after the 1st section of the 26th chapter the following :

"Each volunteer company which is armed and uniformed (besides its regular members) may enrol not exceeding fifty contributing members, each of whom, on paying to the treasurer of the company in advance *three* dollars, shall be exempt from attending the musters or meetings of the company, and from all other military duty for one year, except that he may be drafted or detailed for actual service. Upon such payment by any contributing member, the commandant of the company shall furnish him with a certificate of membership, which shall entitle him to such exemption for one year only.

The said amendment was amended on motion of Mr. BUSWELL, by striking out the word "*three*," and inserting in lieu thereof the word "*one*," and as amended was agreed to.

In their 21st amendment the senate proposed to strike out the 9th section of the 26th chapter, and insert in lieu thereof :

"Besides the regimental or battalion musters *and the two regular company musters* prescribed by the 1st section of chapter 25th, there shall be *two* other musters of each volunteer company every year," &c.

The said amendment was amended on motions made by Mr. ROBINSON and Mr. DORMAN, so as to read :

"Besides the regimental or battalion musters prescribed by the 1st section of chapter 25th, there shall be four other musters of each volunteer company every year."

And the said amendment as amended was then agreed to.

The 22d, 23d, 24th, 25th, 26th, 27th, 28th, 29th, 30th, 31st, 32d, 33d, 34th and 35th amendments were also agreed to.

Ordered, That the clerk communicate said bill to the senate, and inform them of the action of this house upon their said amendments, and request their concurrence in the amendments to their amendments.

Mr. MONCURE of Stafford announced that the committees on revision and for courts of justice had no further use for a clerk, and thereupon it was ordered that the clerk of each of said committees be discharged from further attendance.

On motion of Mr. LACY, the house resolved itself into a committee of the whole house, Mr. STROTHER in the chair; and after some time the SPEAKER resumed the chair, and Mr. STROTHER reported that the said committee had, according to order, taken into consideration a bill concerning the Civil Code of Virginia, part III, and made progress therein, and asked leave to sit again.

Ordered, That the house will on to-morrow again resolve itself into a committee of the whole house, to take said bill into consideration.

On motion of Mr. FUGATE, the house adjourned until to-morrow morning 9 o'clock.

THURSDAY, JULY 12, 1849.

On motion of Mr. SHEFFEY, the house resolved itself into a committee of the whole house, Mr. STROTHER in the chair; and after some time the SPEAKER resumed the chair, and Mr. STROTHER reported that the said committee had, according to order, had under consideration a bill concerning the Civil Code of Virginia, part III, and made progress therein, and asked leave to sit again.

Ordered, That this house will again, on to-morrow, resolve itself into a committee of the whole house to take said bill into consideration.

On motion of Mr. FERGUSON, the house adjourned until to-morrow morning 9 o'clock.

FRIDAY, JULY 13, 1849.

Mr. SYME submitted the following resolution, which, on motion of Mr. RIVES, was ordered to be laid upon the table, viz :

Resolved by the general assembly, That the governor be, and he is hereby authorized to deliver to the captain of the Petersburg artillery company, carbines instead of the pistols heretofore furnished to said company, requiring the surrender of an equal number of pistols before delivering the carbines, and taking bond with security for the preservation and return of said carbines, according to law.

On motion of Mr. PRICE, the house resolved itself into a committee of the whole house, Mr. STROTHER in the chair; and after some time the SPEAKER resumed the chair, and Mr. STROTHER reported that the said committee had, according to order, taken into consideration a bill concerning the Civil Code of Virginia, part III, and instructed him to report the same, with sundry amendments.

The said bill, with the said amendments, was taken up, and the first, second and third amendments were agreed to.

The 8th section of the 104th chapter, provides that "any person permitting a slave under his control to go at large and trade as a free man, or to hire himself out for his own or his master's benefit, shall forfeit not less than ten nor more than thirty dollars."

The committee of the whole house, in their fourth amendment, proposed to strike out the words "for his own or his master's benefit."

The same was amended on motion of Mr. MONCURE of Stafford, by striking out the said words, and inserting in lieu thereof the words "for the benefit of any person whatever;" and as amended, was agreed to.

The 105th chapter, section the 4th, provides that "every person who may arrest a runaway slave, and deliver him to the owner, or his agent, or to some jailor at his jail, with the certificate of a justice, in the manner herein provided, shall be entitled to demand of such owner a reward therefor, that is to say, if such slave be arrested in this state, and within fifty miles of his residence, a reward of five dollars; or if more than fifty miles, *ten* dollars."

The committee of the whole house proposed, in their fifth amendment, to strike out the word "ten," and insert in lieu thereof the word "twenty-five."

And the question being put upon agreeing to the said amendment, was determined in the negative.

The sixth, seventh, eighth, ninth, tenth, eleventh and twelfth amendments of the committee of the whole, were then agreed to.

The 121st chapter, 4th section, upon the subject "of the privy examination and acknowledgment of a married woman," contained the following clause: "Or she may appear before a justice or notary public within the United States, or a commissioner appointed within the same by the governor of this state; and such justice, notary or commissioner, may so examine her, and if, after such explanation, she make such acknowledgment and declaration, he shall certify the same," &c.

The committee of the whole, in their thirteenth amendment, proposed to strike out the words "a justice," and insert in lieu thereof the words "two justices;" and the question being put upon agreeing to the said amendment, was determined in the affirmative. Ayes 60, noes 18.

On motion of Mr. Cook, the vote thereon was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Dillard, M'Cue, Sheffer, Brown, Faulkner, De Camps, Wills, Irvine of Campbell, Lacy, Irving of Cumberland, Clarke, Scott, Rector, Stillman, Wood, Sydnor, Baily, Guerrant, Carroll, Price, Stovall, Major, Allen, Howard of James City, York and Williamsburg, Worthington, Thompson of Jefferson, Tomlin, Webb, Ferguson, Harrison of Loudoun, Edwards of Loudoun, Harris, Edmondson, Newman, Coleman, Beirne of Monroe, Barnett, Kilby, Robinson, Cowper, Yerby, Townes, Grasty, Cackley, Rives, Harrison of Prince William, Strother, Mayo, Dorman, Aston, Fugate, Pittman, Thompson of Smyth, Hargrave, Burdett, Massey, Collins and Boyd—60.

NOES—Messrs. Jones, Thomas, Edwards of Franklin, Clopton, Hiatt, Lancaster, Lane of Lee, M'Donald, Clendenin, Butt, Booth, Buswell, Turner, Cook, Paxton, Martz, Moncure of Stafford, and George—18.

In the same section, the committee of the whole proposed to insert after the words "two justices" the words "both of whom shall be present."

The said amendment was amended on motion of Mr. SHEFFEY, by substituting for the said words "who shall be present together," and as amended, was agreed to.

The 122d chapter, 4th section, provides that "no will shall be valid unless it be in writing and signed by the testator, or by some other person in his presence, and by his direction, in such manner as to make it manifest that the name is intended as a signature; and moreover,

unless it be wholly written by the testator, the signature shall be made, or the will acknowledged by him in the presence of at least two competent witnesses, *present at the same time*; and such witnesses shall subscribe the will in the presence of the testator, but no form of attestation shall be necessary."

The committee of the whole house proposed to amend the said section by striking out the words "*present at the same time*."

And the question being put upon agreeing thereto, was determined in the negative.

The committee of the whole house proposed to amend the 114th chapter, by inserting after the 3d section the following new section:

"All persons non-resident of the state of Virginia, and owners of lands lying therein west of the Alleghany mountains, shall, within five years after this act takes effect, cause their lands to be surveyed, and shall return to the clerk's office of the county wherein such lands, or the greater portion thereof, shall lie, the plat and certificate of the surveyor, together with a statement deducing their title from the commonwealth, and shewing their chain of title from the original patentee, to the date of said survey. It shall be the duty of the clerks of the several county courts to provide a book, marked 'non-resident records,' in which he shall record all plats and certificates of survey, and statements of title required by this section. Any person failing to comply with the provisions of this section, shall forfeit his entire estate in the lands so owned by him, to the board of the Literary fund, and the same shall be liable to entry, survey and grant, in the same manner as waste and unappropriated lands.

"Notice of this act shall be given by the auditor of public accounts in some one of the leading newspapers printed at the seat of the federal government, and the capitals of each of the states of this Union; the expense of such advertising to be paid from the public treasury."

The same was amended on motion of Mr. FERGUSON, by substituting therefor the following:

"All persons non-resident of the state of Virginia, owning or having an interest in lands lying therein, west of the Alleghany mountains, in surveys purporting to be for ten thousand acres or upwards, at the time of the passage of this act, shall, within five years from the time the same takes effect, cause such lands to be surveyed, and return to the clerk's office of the county wherein such lands, or the greater portion thereof, shall lie, the plat and certificate of the person making the survey, shewing distinctly the metes and bounds thereof, together with a statement shewing how and under whom they claim such lands, their chain of title from the person under whom they claim, to the date of each survey, and a reference to the court in which the deed or deeds under which they claim are recorded, or where any such deeds have not been recorded, shewing that fact. It shall be the duty of the clerk of every county court, when any such returns shall be made to his office, to provide a book, marked 'non-resident records,' in which he shall record all plats and certificates of survey, and statements required by this section. Upon a failure to comply with the provisions of this section, all lands so owned by such persons shall be forfeited to

the board of the Literary fund ; and the same shall be liable to entry, survey and grant, in the same manner as waste and unappropriated lands. But this section shall not be construed to affect the rights of *bona fide* occupants of any portion of such lands. Notice of this section shall be given by the auditor of public accounts, by publication weekly in two of the leading newspapers published at the seat of the federal government, for six months, the expense of which shall be paid from the public treasury."

And the question being put upon agreeing to the said amendment as amended, was determined in the affirmative. Ayes 59, noes 28.

On motion of Mr. LANE of Lee, the vote thereupon was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Finney, Dillard, Cheatham, M'Cue, Brown, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Wills, Barbour, M'Clung, Howard of Floyd, Claiborne, Edwards of Franklin, Baily, Guerrant, Carroll, Stovall, Major, Hiatt, Lancaster, Houser, Tomlin, Webb, Ferguson, Harris, Edmondson, Newman, Arnett, M'Donald, Clendenin, Beirne of Monroe, Barnett, Kilby, Perrow, Robinson, Cowper, Pitts, Buswell, Grasty, Cackley, Wootton, Harrison of Prince William, Goff, Paxton, Martz, Aston, Fugate, Pittman, Thompson of Smyth, Burdett, George, Massey, Goodson, Collins and Boyd—59.

NOES—Messrs. Sheffey, Lacy, Jones, Irving of Cumberland, Vaughan, Clarke, Thomas, Scott, Rector, Stillman, Sydnor, Clopton, Price, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Lane of Lee, Harrison of Loudoun, Coleman, Yerby, Booth, Turner, Syme, Townes, Rives, Griffin, Moncure of Stafford, and Hargrave—28.

On motion of Mr. COLLINS, the house adjourned until to morrow morning 9 o'clock.

SATURDAY, JULY 14, 1849.

A bill concerning the Civil Code of Virginia, part III, with the amendments thereto proposed by the committee of the whole house, was taken up.

The eighteenth, nineteenth, twentieth, twenty-first, twenty-second and twenty-third amendments were severally agreed to.

The 124th chapter, section the 2d, contained the following clause: "but if in any suit for a partition, in a county or corporation court, a sale of the real estate, or part thereof, be *proper*, the case, before any decree for sale therein, shall, by the order of said court, be removed to the circuit court of the county or corporation having jurisdiction of chancery cases."

The committee of the whole house proposed to amend the said clause, by inserting after the word "*proper*," the words "and the dividend of *each* party, in the opinion of the court, exceed the value of three hundred dollars."

The same was amended on motion of Mr. MONCURE of Stafford, by striking out the word "*each*," and inserting the word "*any*," and as amended, was agreed to.

The twenty-fifth amendment was also agreed to.

The 130th chapter, section 32d, provides that "every such personal representative of any person who may hereafter die, shall apply the personal estate, after the payment of funeral expenses and expenses of administration, to the payment of the decedent's debts, and lawful demands against his estate, in the following order:

"First. Debts due to the United States.

"Secondly. Taxes and levies assessed upon the decedent previous to his *death*.

"Thirdly. Judgments and decrees rendered, and recognizances," &c.

The committee of the whole house, in their twenty-sixth amendment, proposed to insert after the word "death," the following clause:

"Thirdly. Debts due as personal representative, guardian or committee, where the qualification was in this state; in which debts shall be included a debt for money received by a husband acting as such fiduciary in right of his wife."

The amendment having been for some time under discussion, Mr. DORMAN demanded that the main question be now put, and it was determined in the negative. Ayes 38, noes 58.

On motion of Mr. SCOTT, the vote was recorded as follows:

AYES—Messrs. Boisseau, Dillard, Mitchell, Burwell, Byrne of Braxton, Lewis and Gilmer, De Camps, Forbes, Jones, Clarke, M'Clung, Howard of Floyd, Claiborne, Edwards of Franklin, Wood, Sydnor, Baily, Stovall, Hiatt, Wallace, Houser, Webb, Lane of Lee, Newman, Coleman, Tanzey, Beirne of Monroe, Kilby, Yerby, Buswell, Wootton, Cook, Dorman, Paxton, Fugate, Thompson of Smyth, Griffin, Conway and George—38.

NOES—Messrs. Hopkins, (speaker,) Smith, Layne of Alleghany, M'Cue, Sheffey, Brown, Faulkner, Boak, Wills, Irvine of Campbell, Lacy, Irving of Cumberland, Segar, Thomas, Scott, Rector, Stillman, Clopton, Guerrant, Carroll, Price, Major, Lancaster, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Tomlin, Ferguson, Harrison of Loudoun, Edwards of Loudoun, Harris, M'Donald, Clendenin, Barnett, Perrow, Butt, Cowper, Booth, Pitts, Turner, Syme, Townes, Grasty, Cackley, Rives, Harrison of Prince William, Goff, Strother, Mayo, Martz, Aston, Pittman, Moncure of Stafford, Hargrave, Burdett, Goodson, Collins and Boyd—58.

A motion was made by Mr. SCOTT to amend the said amendment, by inserting after the word "state," the words "and where the sureties in the official bond of such fiduciary shall prove insufficient to pay such debts;" and the question being put thereupon, was determined in the negative. Ayes 42, noes 54.

On motion of Mr. FERGUSON, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Boisseau, Cheatham, M'Cue, Sheffey, Brown, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Forbes, Jones, Irving of Cumberland, Scott, Rector, Stillman, Edwards of Franklin, Guerrant, Carroll, Stovall, Allen, Hiatt, Lancaster, Worthington, Tomlin, Webb, Lane of Lee, Harrison of Loudoun, Barnett, Perrow, Yerby, Booth, Turner, Townes, Strother, Paxton, Aston, Thompson of Smyth, Griffin, Moncure of Stafford, Burdett and Goodson—42.

NOES—Messrs. Smith, Layne of Alleghany, Dillard, Mitchell, Burwell, De Camps, Harrison of Brunswick, Wills, Irvine of Campbell, Lacy, Vaughan, Clarke, M'Clung, Howard of Floyd, Claiborne, Wood, Sydnor, Baily, Clopton, Price, Major, Howard of James City, York and Williamsburg, Thomson

of Jefferson, Wallace, Houser, Ferguson, Edwards of Loudoun, Harris, Newman, M'Donald, Clendenin, Coleman, Tanzey, Beirne of Monroe, Kilby, Butt, Cowper, Pitts, Syme, Grasty, Cackley, Wootton, Rives, Harrison of Prince William, Goff, Cook, Dorman, Martz, Fugate, Pittman, Hargrave, George, Collins and Boyd—54.

The question recurred upon the adoption of the amendment proposed by the committee, and was determined in the affirmative. Ayes 49, noes 48.

On motion of Mr. SCOTT, the vote was recorded as follows:

AYES—Messrs. Smith, Dillard, Cheatham, Sheffey, Burwell, De Camps, Wills, Lacy, Vaughan, Clarke, M'Clung, Howard of Floyd, Wood, Baily, Price, Major, Howard of James City, York and Williamsburg, Thomson of Jefferson, Wallace, Houser, Ferguson, Edwards of Loudoun, Harris, Newman, M'Donald, Clendenin, Coleman, Tanzey, Beirne of Monroe, Kilby, Butt, Cowper, Pitts, Buswell, Syme, Grasty, Cackley, Wootton, Rives, Harrison of Prince William, Goff, Strother, Dorman, Martz, Fugate, Pittman, Hargrave, George and Collins—49.

NOES—Messrs. Hopkins, (speaker,) Finney, Layne of Alleghany, Boisseau, M'Cue, Brown, Mitchell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Harrison of Brunswick, Forbes, Irvine of Campbell, Jones, Irving of Cumberland, Scott, Rector, Stillman, Claiborne, Edwards of Franklin, Synnor, Clopton, Guerrant, Carroll, Stovall, Allen, Hiatt, Lancaster, Worthington, Tomlin, Webb, Lane of Lee, Harrison of Loudoun, Barnett, Perrow, Yerby, Booth, Turner, Townes, Cook, Paxton, Aston, Thompson of Smyth, Griffin, Moncure of Stafford, Burdett, Goodson and Boyd—48.

On motion of Mr. DORMAN, the house adjourned until Monday morning 9 o'clock.

MONDAY, JULY 16, 1849.

A bill concerning the Civil Code of Virginia, part III, with the amendments thereto proposed by the committee of the whole house, was taken up.

The twenty-seventh and twenty-eighth amendments were severally agreed to.

The 132d chapter, 7th section, provides that "a statement of all the money which any fiduciary mentioned in the 1st section, shall have received, or become chargeable with, or have disbursed within one year from the date of the order conferring his authority, or within any succeeding year, together with the vouchers for such disbursements, shall, within six months after the end of every such year, be exhibited by him before a commissioner of the *circuit court of the county or corporation in which the order was made,*" &c.

The twenty-ninth amendment of the committee proposed to strike from the said section the words "*circuit court of the county or corporation in which the order was made,*" and insert in lieu thereof the words "*court by which such fiduciary was appointed.*"

And the question being put upon agreeing to the said amendment, was determined in the negative. Ayes 44, noes 60.

On motion of Mr. FERGUSON, the vote was recorded as follows :

AYES—Messrs. Dillard, Cheatham, Mitchell, Burwell, Moncure of Caroline, Cardwell, Jones, Vaughan, Clarke, M'Clung, Claiborne, Edwards of Franklin, Wood, Baily, Clopton, Guerrant, Howard of James City, York and Williamsburg, Houser, Webb, Lane of Lee, Harris, Newman, Arnett, M'Donald, Clendenin, Coleman, Beirne of Monroe, Barnett, Kilby, Perrow, Butt, Cowper, Buswell, Cackley, Rives, Harrison of Prince William, Cook, Fugate, Pittman, Thompson of Smyth, Griffin, Hargrave, George and Goodson—44.

NOES—Messrs. Hopkins, (speaker,) Finney, Smith, Layne of Alleghany, Boisseau, M'Cue, Sheffey, Brown, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Forbes, Wills, Irvine of Campbell, Lacy, Irving of Cumberland, Thomas, Scott, Howard of Floyd, Stillman, Sydnor, Carroll, Price, Stovall, Major, Allen, Hiatt, Bassel, Lancaster, Worthington, Thomson of Jefferson, Wallace, Tomlin, Ferguson, Harrison of Loudoun, Edmondson, Shepard, Whittle, Tanzey, Yerby, Booth, Pitts, Pannill, Turner, Syme, Townes, Grasty, Wootton, Goff, Mayo, Dorman, Paxton, Martz, Aston, Conway, Moncure of Stafford, Burdett, Collins and Boyd—60.

The thirtieth, thirty-first, thirty-second, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-first, forty-second and forty-third amendments were also severally agreed to.

The 145th chapter, 13th section, provides that "if any person shall transact business as a trader, with the addition of the words 'factor,' 'agent,' 'and company,' or 'and Co.,' and *fail* to disclose the name of his principal or partner, by a sign in letters easy to be read," &c.

The committee of the whole house, in their forty-fourth amendment, proposed to insert after the word "fail," the words "for thirty days;" and the question being put upon agreeing thereto, was determined in the negative.

The forty-fifth, forty-sixth and forty-seventh amendments were severally agreed to.

The 148th chapter, 6th section, provides that "all words which, from their usual construction and common acceptation, are construed as insults, and tend to violence and breach of the peace, shall be actionable. *No plea, exception or demurrer shall preclude a jury from passing thereon.*"

The committee of the whole house proposed, in their forty-eighth amendment, to strike out the words in *italics*, and insert in lieu thereof the words: "But the defendant may rely upon any defence which he may now make in actions of slander at common law."

A motion was made by Mr. PRICE, before striking out the words proposed to be stricken out by the committee, to amend the section by striking out the words "*plea, exception or,*" and it was agreed to by the house.

The question was then put upon agreeing to the amendment of the committee, and it was disagreed to.

The forty-ninth and fiftieth amendments of the committee were then agreed to.

On motion of Mr. STOVALL, the said bill was further amended by striking out the 10th section of the 150th chapter, which is the following :

"What constable may serve a warrant or execution.

"Sec. 10. No constable shall, in any civil case, serve a warrant or execution out of his district, except, that on the death, resignation, removal or refusal to act of the constable assigned to a particular district, the duties of constable within that district may be performed by any other constable, until there is a constable assigned to, and willing to act for, such district. Any constable violating this section shall forfeit five dollars."

On motion of Mr. STROTHER, the bill was further amended by adding to the 108th chapter the following new section:

"If any female of the age of twelve, and under fourteen years, shall marry without the consent of her father or guardian, or if she have none, of her mother, the circuit court of the county in which she resided at the time of such marriage, shall, upon the petition of her next friend, commit her estate to a receiver, who shall give bond before the court, and shall hold the said estate, and pay out the rents and profits thereof to her separate use, under the direction of the court, during such coverture; and after the determination thereof, all such estate shall be delivered into the possession of the female and her heirs, other than her husband."

The 150th chapter, section 1st, provides that "any claim to property, or to any debt, forfeiture, fine, penalty or other money, which would be recoverable by action at law, or suit in equity, if of greater value or amount than *twenty* dollars, exclusive of interest, shall, if not of greater value or amount than twenty dollars, exclusive of interest, be cognizable by a justice," &c.

A motion was made by Mr. STOVALL, to amend the said section by striking out the word "twenty," and inserting in lieu thereof the word "fifty," and it was determined in the negative. Ayes 45, noes 51.

On motion of Mr. RIVES, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Smith, Boisseau, Cheatham, Forbes, Vaughan, Thomas, Rector, M'Clung, Howard of Floyd, Stillman, Claiborne, Edwards of Franklin, Carroll, Stovall, Major, Allen, Bassel, Thomson of Jefferson, Lane of Lee, Harris, Edmondson, Arnett, Shepard, Clendenin, Coleman, Tanzey, Kilby, Butt, Cowper, Townes, Grasty, Cackley, Harrison of Prince William, Mayo, Martz, Aston, Fugate, Pittman, Griffin, Hargrave, Burdett, George, Goodson and Collins—45.

NOES—Messrs. Layne of Alleghany, Dillard, M'Cue, Sheffey, Brown, Mitchell, Burwell, Faulkner, Boak, De Camps, Wills, Irvine of Campbell, Moncure of Caroline, Lacy, Jones, Irving of Cumberland, Clarke, Scott, Wood, Sydnor, Baily, Clopton, Guerrant, Price, Lancaster, Howard of James City, York and Williamsburg, Worthington, Wallace, Houser, Tomlin, Webb, Ferguson, Harrison of Loudoun, Edwards of Loudoun, Newman, Whittle, Beirne of Monroe, Barnett, Perrow, Yerby, Booth, Buswell, Syme, Rives, Goff, Cook, Dorman, Thompson of Smyth, Conway, Moncure of Stafford, and Boyd—51.

A motion was made by Mr. CLAIBORNE, to amend the 118th chapter by inserting after the 1st section, the following new section:

"That all deeds of trust and mortgages hereafter made and entered into by any person or persons, for the purpose of giving any creditor

any preference or priority over the general creditors of such person or persons, shall enure *pro rata* to the benefit of all just creditors of such person or persons making the said deeds: *Provided however*, That nothing herein contained shall be so construed as to apply to any deed of trust made and entered into whereby the debt intended to be secured was created for the purchase of the property conveyed by the said deed."

And the question being put thereupon, was determined in the negative. Ayes 28, noes 59.

On motion of Mr. MAJOR, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Brown, Byrne of Braxton, Lewis and Gilmer, Moncure of Caroline, Howard of Floyd, Claiborne, Edwards of Franklin, Stovall, Major, Allen, Bassel, Houser, Webb, Ferguson, Newman, Tanzey, Cowper, Buswell, Cackley, Wootton, Rives, Harrison of Prince William, Goff, Dorman, Martz, Hargrave, Burdett and Goodson—28.

NOES—Messrs. Smith, Boisseau, Dillard, Cheatham, M'Cue, Sheffey, Mitchell, Burwell, Faulkner, Boak, Forbes, Wills, Lacy, Jones, Irving of Cumberland, Vaughan, Clarke, Thomas, Scott, Rector, Stillman, Wood, Sydnor, Clopton, Guerrant, Carroll, Price, Lancaster, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Tomlin, Lane of Lee, Harrison of Loudoun, Edwards of Loudoun, Harris, Shepard, Clendenin, Coleman, Whittle, Beirne of Monroe, Kilby, Perrow, Butt, Yerby, Booth, Townes, Grasty, Mayo, Aston, Fugate, Pittman, Thompson of Smyth, Conway, Moncure of Stafford, George, Collins and Boyd—59.

A motion was made by Mr. CONWAY, to amend the 141st chapter, and the same being under consideration,

On motion of Mr. LACY, the house adjourned until to-morrow morning 9 o'clock.

TUESDAY, JULY 17, 1849.

A bill concerning the Civil Code, part III, was taken up.

The 141st chapter, section 5th, provides that "if a contract or assurance be for the payment, directly or indirectly, for the loan or forbearance of any money or other thing, of interest at a greater rate than is allowed by the preceding section, or some other chapter of this act, it shall be deemed for an illegal consideration as to the excess beyond the principal, and the interest so allowed, *unless the amount or rate of interest be truly stated in writing in the contract or assurance, and be not more than the rate of eight dollars upon one hundred dollars for a year; in which case the interest so stated shall be legal.*"

The motion submitted on yesterday by Mr. CONWAY, which was under consideration when the house adjourned, proposed to amend the said section by striking out the words in *italics*; and the question being put thereupon, was determined in the affirmative unanimously. Ayes 97.

On motion of Mr. CONWAY, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Hart, Smith, Layne of Alleghany, Boisseau, Dillard, Cheatham, M'Cue, Sheffey, Brown, Mitchell, Burwell, Faulkner,

Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Harrison of Brunswick, Forbes, Wills, Moncure of Caroline, Lacy, Jones, Irving of Cumberland, Vaughan, Clarke, Thomas, Scott, Rector, M'Clung, Howard of Floyd, Claiborne, Edwards of Franklin, Wood, Sydnor, Baily, Clopton, Guerrant, Carroll, Price, Stovall, Major, Allen, Hiatt, Bassel, Lancaster, Worthington, Thomson of Jefferson, Wallace, Houser, Tomlin, Webb, Lane of Lee, Ferguson, Harrison of Loudoun, Edwards of Loudoun, Harris, Newman, Shepard, Clendenin, Whittle, Tanzey, Barnett, Kilby, Perrow, Butt, Cowper, Yerby, Booth, Pitts, Pannill, Buswell, Turner, Syme, Townes, Grasty, Cackley, Wootton, Rives, Harrison of Prince William, Strother, Mayo, Cook, Dorman, Martz, Aston, Fugate, Pittman, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Hargrave, Burdett, George, Goodson, Collins and Boyd—97.

The 132d chapter, section 14th, provides that "any commissioner who has for settlement the accounts of a personal representative of a decedent, shall, when requested so to do *by* any creditor, legatee or distributee of the decedent, appoint a time and place for receiving proof of debts," &c.

On motion of Mr. SCOTT, the same was amended by inserting after the word "by," the words "such representative or."

On motion of Mr. THOMAS, the same chapter, and 17th section, was amended by adding thereto the following :

"In taking the said account the commissioner may subject any party interested to interrogatories on oath, and require the production of all books and papers in their possession which may be necessary for the proper settlement of the account."

The said bill was further amended on motion of Messrs. SHEFFET, SCOTT and FAULKNER, in the 7th section of the 132d chapter.

A motion was then made by Mr. KILBY, to amend the said chapter by striking out the said 7th section as amended, and the 8th, 9th and 10th sections.

The said sections are the following :

"Sec. 7. A statement of all the money which any fiduciary mentioned in the first section shall have received or become chargeable with, or have disbursed within one year from the date of the order conferring his authority, or within any succeeding year, together with the vouchers for such disbursements, shall, within six months after the end of every such year, be exhibited by him before a commissioner of the circuit court for the county or corporation wherein the order was made. And a statement of all the money which any trustee acting under a trust created hereafter, shall have received, or become chargeable with, or have disbursed within a year from the date of such trust, or within any succeeding year, together with the vouchers for such disbursements, shall be laid by him before a commissioner of the circuit court of the county or corporation wherein the instrument creating the trust was first recorded.

"When commissions are forfeited by fiduciaries in default.

"Sec. 8. Any fiduciary who shall wholly fail to lay before such commissioner a statement of receipts for any year, within six months

after its expiration, shall have no compensation whatever for his services during the said year; and though a statement be laid before the commissioner, yet if such fiduciary be found chargeable for that year with any money not embraced in the said statement, and of which no information is given by the fiduciary to the commissioner, until the commissioner acquires knowledge of it otherwise, there shall be no allowance of commission on such money. This section shall not apply to a case in which, within six months after the end of any year, such fiduciary shall have given to the parties entitled to the money received in such year, a statement of the said money, and actually settled therefor with them; nor to a case in which, within the said six months after the end of any year, a fiduciary shall have laid a statement of his receipts within such year, before a commissioner in chancery who may, in a pending suit, have been ordered to settle his account.

“ Means of compelling fiduciaries to settle accounts before commissioners.

“Sec. 9. When any fiduciary shall have so failed to lay before such commissioner a statement of his receipts for any year, a commissioner before whom the said statement might have been laid, shall, upon request made to him within ten years from the commencement of such year, by any person who is interested as creditor, legatee, distributee or otherwise, or who appears as next friend of an infant so interested, issue a summons directed to the sheriff or other officer of any county or corporation, requiring him to summons such fiduciary to lay before the commissioner a statement of his receipts and disbursements, accompanied by his vouchers, for such year, and for the time which may have since elapsed. If the same be not within one month after the service of such summons, laid before the commissioner who issued it, he shall, on being requested so to do, report the fact to the circuit court which appointed him; and said court shall take such measures to compel the performance by the fiduciary of his duty, as could be taken if an express order of the court had been disobeyed.

“ Commissioners to report upon bond and sureties of fiduciaries.

“Sec. 10. When any fiduciary mentioned in the first section, except a sheriff or other officer, shall have laid such statement before a commissioner, he shall examine whether said fiduciary has given such bond as the law requires; and whether it is in a penalty, and with sureties sufficient. Any commissioner of the circuit court for the county or corporation wherein the order was made, conferring on said fiduciary his authority, shall, at any time before such statement is laid before a commissioner, upon the application of any person who is interested, or appears as next friend of an infant interested, after reasonable notice to such fiduciary, examine into any of the said matters, or enquire whether security ought to be required of a fiduciary who may have been allowed to qualify without giving it, or whether, by reason of the incapacity, misconduct or removal of any fiduciary, or for any other cause,

it is improper to permit the estate of the decedent, ward or other person, to remain under his control. The result of every such examination and enquiry shall be reported by the commissioner to the circuit court by which he is appointed."

And the question being put upon striking out the said sections, was determined in the affirmative. Ayes 48, noes 47.

On motion of Mr. KILBY, the vote was recorded as follows :

AYES—Messrs. Hart, Layne of Alleghany, Boisseau, Dillard, M'Cue, Maclin of Brunswick, Harrison of Brunswick, Forbes, Moncure of Caroline, Jones, Irving of Cumberland, Vaughan, Clarke, Rector, M'Clung, Stillman, Baily, Clopton, Guerrant, Carroll, Major, Webb, Lane of Lee, Harris, Newman, Coleman, Whittle, Tanzey, Beirne of Monroe, Kilby, Perrow, Robinson, Cowper, Buswell, Cackley, Wootton, Rives, Harrison of Prince William, Martz, Fugate, Pittman, Thompson of Smyth, Griffin, Hargrave, Burdett, George, Goodson and Collins—48.

NOES—Messrs. Hopkins, (speaker,) Smith, Cheatham, Sheffey, Brown, Mitchell, Burwell, Faulkner, De Camps, Wills, Lacy, Thomas, Scott, Howard of Floyd, Claiborne, Edwards of Franklin, Wood, Sydnor, Price, Stovall, Allen, Bassel, Lancaster, Worthington, Thomson of Jefferson, Wallace, Tomlin, Ferguson, Harrison of Loudoun, Edwards of Loudoun, Shepard, Clendenin, Barnett, Booth, Pitts, Turner, Syme, Townes, Grasty, Goff, Strother, Mayo, Dorman, Aston, Conway, Moncure of Stafford, and Boyd—47.

On motions made by Mr. MONCURE of Caroline, and by Mr. WILLS, the 6th section of the 150th chapter, was amended so as to read :

"After thirty days from any such judgment, no new trial shall be granted in the case. Nor shall it be granted within the thirty days, *unless the opposite party be present at the time of the application, or unless after five days notice to him, if in the county or corporation, of the time and place of the application for such new trial.* The justice who rendered the judgment shall alone have power to grant such new trial while he is in office ; if he die, resign, *be absent from the county,* or be removed, it may be granted by another justice."

The 7th section of the same chapter contained a clause that "From any such judgment" (of a justice), "the justice rendering it may, within five days, on such security being given as he approves, for the payment of the same, and all costs and damages, (if it be affirmed,) allow an appeal," &c.

On motion of Mr. FERGUSON, the same was amended by striking out the word "five," and on motion of Mr. PRICE, the word "ten" was inserted in lieu thereof.

On motion of Mr. SMITH, the house adjourned until to morrow morning 9 o'clock.

WEDNESDAY, JULY 18, 1849.

A bill concerning the Civil Code of Virginia, part III, was taken up.

The 3d section of the 110th chapter, provides that "where land is *bona fide* sold in the lifetime of the husband, to satisfy a lien or incumbrance thereon, created by deed in which the wife has united, or

created before the marriage, or otherwise paramount to the wife, she shall have no right to be endowed in the said land, *or any of its proceeds, notwithstanding a surplus of such proceeds may remain after satisfying the said lien or incumbrance.*"

The said section was amended on motion of Mr. MONCURE of Stafford, by striking out the words in *italics*, and inserting in lieu thereof, "But if a surplus of the proceeds of sale remain after satisfying the said lien or incumbrance, she shall be entitled to dower in said surplus, and a court of equity having jurisdiction of the case, may make such order as may seem to it proper to secure her right."

A motion was made by Mr. KILBY, to amend the 132d chapter, by inserting in lieu of the 7th, 8th, 9th and 10th sections stricken out on yesterday, the following:

"Every fiduciary mentioned in the first section of this chapter, and every trustee, other than a trustee in a deed made to secure creditors, shall, within two years from the time of his qualification or appointment, and so in like manner for each and every year thereafter, apply to the court from which his powers emanated, to refer his transactions to some commissioner of said court, to state, settle and adjust his accounts on the estate committed to his charge, so far as he may have progressed in managing the same; and every such fiduciary shall, within six months after such order shall have been made, cause his accounts to be settled before such commissioner.

"When commissions are forfeited.

"Any such fiduciary who shall fail to comply with the provisions of this chapter, shall forfeit all right to any commissions or compensation whatever for services rendered during the periods mentioned in the preceding section. This section *shall* not apply to any case in which, within the periods above named for settlement, the accounts of such fiduciary shall have been actually settled with the parties entitled to the estate, or shall have been referred to a commissioner in chancery, who may, in a pending suit, have been ordered to settle his accounts."

And the question being put upon adopting said amendment, was determined in the affirmative. Ayes 59, noes 45.

On motion of Mr. IRVING of Cumberland, the vote was recorded as follows:

AYES—Messrs. Hart, Layne of Alleghany, Boisseau, Dillard, Mitchell, Burwell, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Lacy, Cardwell, Jones, Irving of Cumberland, Vaughan, Clarke, Rector, M'Clung, Edwards of Franklin, Wood, Sydnor, Baily, Guerrant, Carroll, Major, Hiatt, Howard of James City, York and Williamsburg, Houser, Webb, Lane of Lee, Harris, Edmondson, Newman, Arnett, M'Donald, Shepard, Clendenin, Coleman, Tanzey, Beirne of Monroe, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Pannill, Buswell, Cackley, Wootton, Rives, Harrison of Prince William, Martz, Fugate, Pittman, Thompson of Smyth, Griffin, Hargrave, George and Collins—59.

NOES—Messrs. Hopkins, (speaker,) Finney, Smith, Cheatham, M'Cue, Sheffey, Brown, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Wills, Barbour, Thomas, Scott, Howard of Floyd, Price, Stovall, Al-

len, Darracott, Bassel, Lancaster, Worthington, Thomson of Jefferson, Wallace, Tomlin, Ferguson, Harrison, of Loudoun, Edwards of Loudoun, White, Barnett, Booth, Pitts, Turner, Syme, Townes, Grasty, Goff, Strother, Dorman, Aston, Conway, Moncure of Stafford, Burdett and Boyd—45.

The said bill was further amended in the said chapter, on motions made by Mr. KILBY, making consequential changes in subsequent sections.

On motion of Mr. IRVING of Cumberland, the said chapter was further amended, by striking out the following sections :

“ Order for payment of what appears due from a guardian, curator, committee or trustee.

“Sec. 26. When a circuit court shall have confirmed, either in the whole or in a qualified manner, a report of the accounts of any guardian, curator, committee or trustee aforesaid, it may order payment of what shall appear due on such accounts to such persons as would be entitled to recover the same by suit in equity.

“ Order for applying decedent's assets to pay his debts.

“Sec. 27. When a court shall have so confirmed a report of the accounts of any personal representative, and of the debts and demands against his decedent's estate, it shall order to be applied to the payment of such debts and demands, so much of the estate in the hands of such representative, and to such creditors as shall appear proper; reserving, where it seems to the court reasonable to do so, to meet a claim of a surety for the decedent, or any other contingent claim against his estate, the proof of which has to be deferred, or to meet any other claim not finally passed upon, such sum as it may deem sufficient to pay it, or a proportion thereof, equal to what is ordered to be paid to other creditors of the same class, should the payment of it or of such proportion, afterwards appear proper.

“Sec. 28. Upon any such claim being allowed, subsequent to any dividend, there shall be ordered to be paid out of the estate remaining in the hands of the representative, or under the control of the court, (without regarding any debt of superior dignity, for which there may have been no such reservation,) the amount of such claim, or a proportion thereof, equal to what shall have been paid to other creditors of the same class, if there be enough remaining to pay the same or such proportion, but the former dividend shall not be disturbed.

“Sec. 29. When, at the time of any dividend, the whole assets are not distributed, or when further assets afterwards come to the hands of the personal representative, if, after paying such proportion as is mentioned in the preceding section, or any claim allowed subsequent to such dividend, there remain a surplus, it shall be divided among all the creditors who shall have proved debts and demands against the decedent's estate, in the order and proportions in which they may be entitled.”

A motion was then made by Mr. FAULKNER, to amend the 108th chapter, by inserting at the end thereof several sections “for the fur-

ther protection of the property of married women;" and a motion was made by Mr. PRICE, to amend the said amendment; thereupon, on motion of Mr. DARRACOTT, the bill and proposed amendments were laid upon the table.

Mr. DARRACOTT then announced to the house the death of THOMAS L. NELSON, the first doorkeeper of the senate, and in consequence thereof,

On his motion, the house adjourned until to-morrow morning 9 o'clock.

THURSDAY, JULY 19, 1849.

On motion of Mr. FAULKNER, a bill concerning the Civil Code of Virginia, part III, was taken up, and the amendments which were pending when the house adjourned on yesterday, were again considered, and the amendment submitted by Mr. FAULKNER was amended on his motion.

The same as amended is the following:

"The slaves of which a woman may be possessed at the time of her marriage, or to which she may become entitled at any time during coverture, shall not, by virtue of the marriage, become the property of the husband, but the title thereto shall remain in the wife, *subject to the husband's life interest in the same*; and no transfer of the title to the said slaves during coverture shall be made, otherwise than in the mode prescribed for the conveyance of real estate by *feme covert*s. If the wife die without issue, the said slaves shall, if the husband survives, be absolutely his.

"The personal property acquired by the husband by marriage, shall not, during the coverture, be liable to be taken in execution for any debt contracted by him prior to the marriage, nor after the coverture shall cease, unless the husband shall survive the wife, she leaving no issue.

"A husband shall not be liable to pay any debt contracted by his wife prior to marriage, except to the extent that he shall have acquired property of hers by the marriage; nor shall such liability be released by his or her death before the recovery of the debts due by her."

The motion of Mr. PRICE proposed to strike from the first section of said amendment the words "*subject to the husband's life interest in the same*;" and the question being put thereupon, was determined in the affirmative. Ayes 60, noes 38.

On motion of Mr. FERGUSON, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, Layne of Alleghany, Dillard, Brown, Mitchell, Burwell, Byrne of Braxton, Lewis and Gilmer, De Camps, Wills, Cardwell, Irving of Cumberland, Clarke, Scott, Rec-tor, M'Clung, Howard of Floyd, Stillman, Claiborne, Edwards of Franklin, Wood, Carroll, Price, Stovall, Major, Hiett, Darracott, Lancaster, Howard of James City, York and Williamsburg, Worthington, Tomlin, Webb, Lane of Lee, Ferguson, Edwards of Loudoun, Harris, Shepard, Coleman, Perrow, Yerby, Buewell, Turner, Syme, Townes, Grasty, Cackley, Wootton, Strother,

Martz, Fugate, Pittman, Thompson of Smyth, Conway, Moncure of Stafford, Burdett, George and Massey—60.

NOES—Messrs. Boisseau, Cheatham, M'Cue, Faulkner, Boak, Maclin of Brunswick, Moncure of Caroline, Lacy, Jones, Barbour, Vaughan, Sydnor, Guerrant, Allen, Bassel, Thomson of Jefferson, Wallace, Houser, Harrison of Loudoun, Edmondson, Newman, Arnett, Whittle, Tanzey, Beirne of Monroe, Kilby, Butt, Booth, Rives, Harrison of Prince William, Mayo, Cook, Aston, Griffin, Hargrave, Goodson, Collins and Boyd—38.

The said amendment of Mr. FAULKNER was further amended, on motion of Mr. PRICE, by adding to the first section the following: *"If she die leaving issue, he shall have a life estate in the said slaves."*

A motion was made by Mr. WHITTLE to amend the amendment, by striking out the word "slaves," where it first occurs in the first section, and inserting in lieu thereof the words "personal estate;" and the question being put thereupon, was determined in the negative. Ayes 40, noes 62.

On motion of Mr. WHITTLE, the vote was recorded as follows:

AYES—Messrs. Smith, M'Cue, Burwell, Byrne of Braxton, Lewis and Gilmer, De Camps, Wills, Jones, Vaughan, Clarke, Howard of Floyd, Claiborne, Baily, Carroll, Stovall, Major, Hiatt, Lancaster, Tomlin, Harrison of Loudoun, Newman, M'Donald, Shepard, Coleman, Whittle, Beirne of Monroe, Barnett, Butt, Pitts, Buswell, Turner, Wootton, Harrison of Prince William, Aston, Pittman, Thompson of Smyth, Conway, Burdett, George, Massey and Goodson—40.

NOES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Layne of Alleghany, Dillard, Cheatham, Brown, Mitchell, Faulkner, Boak, Maclin of Brunswick, Harrison of Brunswick, Forbes, Moncure of Caroline, Lacy, Cardwell, Irving of Cumberland, Thomas, Scott, Rector, M'Clung, Stillman, Edwards of Franklin, Sydnor, Guerrant, Price, Darracott, Bassel, Howard of James City, York and Williamsburg, Thomson of Jefferson, Wallace, Houser, Lane of Lee, Ferguson, Harris, Edmondson, Arnett, Clendenin, Tanzey, Kilby, Perrow, Robinson, Cowper, Yerby, Booth, Syme, Townes, Grasty, Cackley, Rives, Strother, Mayo, Cook, Dorman, Martz, Fugate, Griffin, Moncure of Stafford, Hargrave, Collins and Boyd—62.

A motion was made by Mr. STOVALL to suspend the rule of the house, for the purpose of reconsidering the vote upon the amendment submitted by Mr. PRICE, by which the house struck from the first section of said amendment the words "subject to the husband's life interest in the same;" and the question being put thereupon, was determined in the negative.

The question was then put upon adopting the amendment proposed by Mr. FAULKNER, as amended, and was determined in the negative. Ayes 23, noes 82.

On motion of Mr. RIVES, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Burwell, Cardwell, Thomas, Price, Stovall, Darracott, Bassel, Tomlin, Ferguson, Harrie, M'Donald, Shepard, Kilby, Robinson, Butt, Pitts, Pannill, Grasty, Thompson of Smyth, Burdett and George—23.

NOES—Messrs. Hart, Watson, Layne of Alleghany, Dillard, Cheatham, M'Cue, Brown, Mitchell, Faulkner, Boak, Byrne of Braxton, Lewis and Gil-

mer, De Camps, Maclin of Brunswick, Harrison of Brunswick, Forbes, Wills, Moncure of Caroline, Lacy, Jones, Barbour, Irving of Cumberland, Vaughan, Clarke, Scott, Rector, M'Clung, Howard of Floyd, Stillman, Claiborne, Edwards of Franklin, Wood, Sydnor, Baily, Guerrant, Carroll, Major, Hiatt, Lancaster, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Houser, Webb, Lane of Lee, Harrison of Loudoun, Edwards of Loudoun, Edmondson, Newman, Arnett, Clendenin, Coleman, Whittle, Tanzey, Beirne of Monroe, Barnett, Perrow, Cowper, Booth, Buswell, Turner, Syme, Townes, Wootton, Rives, Harrison of Prince William, Strother, Mayo, Cook, Dorman, Martz, Aston, Fugate, Pittman, Griffin, Conway, Moncure of Stafford, Hargrave, Massey, Goodson, Collins and Boyd—82.

A motion was made by Mr. FAULKNER, to amend the bill by inserting at the end of the 108th chapter the following sections:

1. "The personal property acquired by the husband by marriage, shall not, during the coverture, be liable to be taken in execution for any debt contracted by him prior to the marriage, nor after the coverture shall cease, unless the husband shall survive the wife, she leaving no issue.

2. "A husband shall not be liable to pay any debt contracted by his wife prior to marriage, except to the extent that he shall have acquired property of hers by the marriage; nor shall such liability be released by his or her death before the recovery of the debts due by her."

Mr. YERBY asked that the question be divided, and taken upon the first section first; and being so put, was determined in the negative. Ayes 39, noes 59.

On motion of Mr. FAULKNER, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Mitchell, Burwell, Faulkner, De Camps, Lacy, Cardwell, Irving of Cumberland, Vaughan, Rector, Claiborne, Stovall, Major, Hiatt, Darracott, Lancaster, Howard of James City, York and Williamsburg, Wallace, Tomlin, Webb, Ferguson, Harris, Newman, M'Donald, Shepard, Whittle, Kilby, Perrow, Robinson, Pitts, Pannill, Syme, Wootton, Dorman, Thompson of Smyth, Burdett, George and Massey—39.

NOES—Messrs. Watson, Layne of Alleghany, Dillard, Cheatham, M'Cue, Brown, Boak, Byrne of Braxton, Lewis and Gilmer, Maclin of Brunswick, Harrison of Brunswick, Wills, Moncure of Caroline, Jones, Barbour, Clarke, Scott, M'Clung, Stillman, Edwards of Franklin, Wood, Sydnor, Baily, Guerrant, Carroll, Price, Worthington, Thomson of Jefferson, Houser, Lane of Lee, Harrison of Loudoun, Edmondson, Arnett, Tanzey, Beirne of Monroe, Barnett, Butt, Cowper, Yerby, Booth, Buswell, Turner, Townes, Grasty, Rives, Harrison of Prince William, Strother, Mayo, Cook, Martz, Aston, Fugate, Pittman, Griffin, Conway, Moncure of Stafford, Hargrave, Goodson, Collins and Boyd—59.

The question was then put upon adopting the second section of the amendment, and was determined in the negative.

A motion was made by Mr. FERGUSON to amend the 150th chapter, by adding at the end thereof the following section:

"Justices of the peace shall have concurrent jurisdiction with the circuit, county and corporation courts, in all cases where the debt or

penalty (exclusive of interest,) is above twenty dollars and not exceeding fifty dollars. But in such cases the warrant shall not be made returnable in less than sixty days from its date. Either party may appeal from any judgment rendered under this section to the next term of the county or corporation court, whether monthly or quarterly, without security; and the same proceedings shall be had in relation thereto, as in other cases of appeal from the judgment of a justice, except that upon the request of either party the court shall cause a jury to be impaneled to try the cause. In proceedings under this section, the plaintiff shall have the like remedy as is provided by the second section of the one hundred and fifty-first chapter."

And the question being put upon adopting said amendment, was determined in the negative. Ayes 49, noes 51.

On motion of Mr. RIVES, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Smith, Layne of Alleghany, Cheatham, Maclin of Brunswick, Harrison of Brunswick, Vaughan, Thomas, Rector, Howard of Floyd, Edwards of Franklin, Carroll, Stovall, Major, Allen, Hiatt, Thomson of Jefferson, Lane of Lee, Ferguson, Harris, Edmondson, Arnett, M'Donald, Coleman, Tanzey, Kilby, Robinson, Butt, Cowper, Pannill, Buswell, Townes, Grasty, Cackley, Harrison of Prince William, Mayo, Dorman, Martz, Aston, Fugate, Pittman, Thompson of Smyth, Griffin, Hargrave, Burdett, George, Massey, Goodson and Collins—49.

NOES—Messrs. Finney, Hart, Watson, Dillard, M'Cue, Brown, Mitchell, Burwell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Wills, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Clarke, Scott, M'Clung, Stillman, Claiborne, Wood, Sydnor, Baily, Guerrant, Price, Darracott, Lancaster, Howard of James City, York and Williamsburg, Worthington, Wallace, Houser, Tomlin, Harrison of Loudoun, Newman, Whittle, Beirne of Monroe, Barnett, Perrow, Yerby, Booth, Turner, Syme, Rives, Strother, Cook, Conway, Moncure of Stafford, and Boyd—51.

On motion of Mr. ROBINSON, the house adjourned until to-morrow morning 9 o'clock.

FRIDAY, JULY 20, 1849.

A bill concerning the Civil Code of Virginia, part III, was taken up.

The 138th chapter was amended, on motion of Mr. SMITH, by adding thereto several sections upon the subject of rents.

The 140th chapter was also amended, on motion of Mr. SMITH, by adding thereto two sections.

A motion was made by Mr. LANE of Lee, to amend the 114th chapter, by inserting after the 4th section the following :

"All lands in this state lying west of the Alleghany mountains, returned delinquent for the nonpayment of taxes since the 1st day of April 1831, and before the 1st day of the same month in the year 1845, shall, if not sold heretofore, or redeemed in the manner now prescribed by law by the 1st day of April 1851, be forever forfeited to the commonwealth; and all the right, title and interest which the

commonwealth now has or may hereafter acquire by the provisions of this act or any pre-existing law, shall be transferred to and vested in any person, (other than him in whose name it was forfeited,) claiming under a grant from the commonwealth, issued heretofore or hereafter to be issued. Nothing in this section shall be so construed, as to impair the rights of those who have purchased such lands at sheriffs' sales, and shall procure deeds thereto within the time now allowed by law."

And the question being put upon adopting the said amendment, was determined in the negative. Ayes 42, noes 52.

On motion of Mr. LANE of Lee, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Layne of Alleghany, Dillard, Brown, Byrne of Braxton, Lewis and Gilmer, De Camps, Wills, Jones, Howard of Floyd, Sydnor, Baily, Guerrant, Carroll, Hiatt, Bassel, Lancaster, Lane of Lee, Ferguson, Harris, Whittle, Tanzey, Beirne of Monroe, Robinson, Pitts, Buswell, Cackley, Wootton, Goff, Mayo, Cook, Dorman, Martz, Aston, Fugate, Pittman, Thompson of Smyth, Griffin, George, Massey, Collins and Boyd—42.

NOES—Messrs. Hart, Watson, Smith, Cheatham, M'Cue, Mitchell, Faulkner, Boak, Maclin of Brunswick, Harrison of Brunswick, Forbes, Moncure of Caroline, Lacy, Cardwell, Barbour, Irving of Cumberland, Vaughan, Clarke, Thomas, Scott, Rector, Stillman, Claiborne, Edwards of Franklin, Wood, Price, Stovall, Major, Darracott, Mullins, Worthington, Thomson of Jefferson, Houser, Tomlin, Harrison of Loudoun, Newman, M'Donald, Shepard, Clendenin, Coleman, Kilby, Yerby, Booth, Turner, Syme, Townes, Grasty, Rives, Harrison of Prince William, Conway, Moncure of Stafford, and Hargrave—52.

The 105th chapter, section the 4th, was amended on motion of Mr. ROBINSON.

A motion was made by Mr. ROBINSON to amend the 107th chapter, by adding thereto the following sections:

"But free negroes desiring to remove into any county or corporation, shall hereafter apply to the court thereof to be registered. Said courts shall make an order granting or refusing the application, as in their discretion shall seem proper.

"All free negroes going into any county or corporation, and residing or habitually remaining therein more than two months without making such application, or found therein at any time after ten days shall have elapsed since said application was made and refused, shall be considered and treated as free negroes going at large without a register."

And the question being put upon adopting the said amendment, was determined in the affirmative. Ayes 51, noes 43.

On motion of Mr. ROBINSON, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Layne of Alleghany, Cheatham, Brown, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Barbour, Vaughan, Thomas, Rector, Howard of Floyd, Claiborne, Wood, Baily, Guerrant, Allen, Bassel, Lancaster, Wallace, Tomlin, Harris, Newman, Shepard, Tanzey, Beirne of Monroe, Kilby, Perrow, Robinson, Butt, Pannill, Buswell, Cackley, Rives, Harrison of Prince William, Cook, Dorman, Martz, Aston, Fugate, Pittman, Thompson of Smyth, Griffin, Hargrave, Massey, Collins and Boyd—51.

NOES—Messrs. Finney, Hart, Watson, Smith, Dillard, M'Cue, Mitchell, Forbes, Wills, Lacy, Cardwell, Jones, Irving of Cumberland, Clarke, Scott, Stillman, Edwards of Franklin, Sydnor, Carroll, Price, Stovall, Major, Hiett, Darracott, Mullins, Worthington, Thomson of Jefferson, Lane of Lee, Ferguson, Harrison of Loudoun, Clendenin, Whittle, Booth, Turner, Syme, Townes, Grasty, Wootton, Goff, Mayo, Conway, Moncure of Stafford, and George—43

On motion of Mr. FERGUSON, the 148th chapter was amended, by striking out the 3d and 4th sections.

On motion of Mr. WATSON, the 10th section of the 123d chapter was amended, by striking out the fourth clause of said section, and inserting a substitute in lieu thereof.

On motion of Mr. SMITH, the 113th chapter was amended, by adding a clause at the end of the 4th section.

On motion of Mr. THOMAS, the 7th section of the 104th chapter was amended.

The 124th chapter, section the 7th, was amended on motion of Mr. FERGUSON.

A motion was made by Mr. SCOTT, to amend the 140th chapter, by striking out the 4th, 5th, 6th, 7th and 8th sections, and inserting in lieu thereof the following :

"Legal interest shall continue to be at the rate of six dollars upon one hundred dollars for a year, and proportionably for a greater or less sum, or for a longer or shorter time, and no person, upon any contract, shall take for the loan or forbearance of money, or other thing, above the value of such rate.

"All contracts and assurances made directly or indirectly for the loan or forbearance of money, or other thing, at a greater rate than is allowed by the preceding section, shall be void.

"Any borrower of money, or other thing, may exhibit a bill in equity against the lender, and compel him to discover, upon oath, the money or thing really lent, and all bargains, contracts or shifts relative to such loan, and the interest or consideration of the same. And if it appear that more than lawful interest was reserved, the lender shall recover only his principal money, or other thing, without interest, and pay the costs of suit.

"If an excess beyond the lawful interest be paid in any case, the person paying the same, may, in a suit brought within one year thereafter, recover it from the person with whom the contract was made, or to whom the assurance was given : and it may be so recovered from such person notwithstanding the payment of the excess be made to his endorsee or assignee.

"Any judgment creditor who apprehends that he is in danger of loss by reason of usurious dealings on the part of his debtor, may exhibit his bill in equity, verified by affidavit, against the party with whom the dealings were had, and compel him to discover, on oath, all bargains, contracts or shifts relative to such dealings ; and if it appear that more than legal interest has been received, the excess above that rate, or so much thereof as may be necessary, shall be applied to the satisfaction of the plaintiff's demand. In any such suit the debtor shall be a competent witness to prove the usury.

"Upon a bill praying an injunction to prevent the sale of property conveyed to secure the repayment of a sum of money, or other thing, borrowed at usurious interest, the same relief shall be given as if the party claiming under the conveyance had resorted to the court to make his claim available."

And the question being put upon adopting said amendment, was determined in the affirmative. Ayes 53, noes 44.

On motion of Mr. IRVING of Cumberland, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Hart, Layne of Alleghany, M'Cue, Mitchell, Forbes, Lacy, Barbour, Irving of Cumberland, Vaughan, Thomas, Scott, Howard of Floyd, Claiborne, Wood, Baily, Guerrant, Price, Stovall, Major, Allen, Darracott, Lancaster, Howard of James City, York and Williamsburg, Thomson of Jefferson, Houser, Tomlin, Ferguson, Edwards of Loudoun, Shepard, Coleman, Barnett, Kilby, Perrow, Robinson, Yerby, Booth, Turner, Syme, Townes, Grasty, Cackley, Wootton, Rives, Dorman, Fugate, Pittman, Thompson of Smyth, Griffin, Hargrave, George, Goodson and Collins—53.

NOES—Messrs. Finney, Watson, Smith, Dillard, Cheatham, Brown, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Wills, Moncure of Caroline, Jones, Clarke, M'Clung, Stillman, Edwards of Franklin, Sydnor, Carroll, Bassel, Mullins, Wallace, Lane of Lee, Harrison of Loudoun, Harris, Newman, Clendenin, Whittle, Tanzey, Butt, Cowper, Pitts, Pannill, Buswell, Harrison of Prince William, Goff, Mayo, Cook, Martz, Aston, Conway, Moncure of Stafford, Massey and Boyd—44.

A motion was made by Mr. SCOTT, to amend the 131st chapter, by striking out the 32d and 33d sections, and inserting in lieu thereof the following sections:

"Sec. 32. When the assets of a decedent in the hands of his personal representative, after the payment of funeral expenses and charges of administration, are not sufficient for the satisfaction of all demands against him, they shall be applied: first, to debts due to the United States; secondly, to taxes and levies assessed previous to his death; and thirdly, to all other demands, ratably, except that a voluntary obligation shall be postponed to all other demands.

"Sec. 33. A personal representative, who pays a demand against his decedent after twelve months from his qualification, shall not thereby be personally liable for any demand of which he had not previous notice."

And the question being put upon adopting said amendment, was determined in the affirmative. Ayes 56, noes 46.

On motion of Mr. GOFF, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Hart, Dillard, Cheatham, Brown, Mitchell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Harrison of Brunswick, Forbes, Moncure of Caroline, Cardwell, Jones, Irving of Cumberland, Scott, Rector, Stillman, Claiborne, Edwards of Franklin, Baily, Guerrant, Carroll, Stovall, Major, Allen, Hiatt, Darracott, Bassel, Lancaster, Worthington, Tomlin, Ferguson, Harrison of Loudoun, Newman, Barnett, Perrow, Cowper, Yerby, Booth, Turner, Townes, Grasty, Cackley, Wootton, Aston, Pittman, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, George, Massey, Goodson and Boyd—56.

NOES—Messrs. Watson, Smith, Layne of Alleghany, M'Cue, De Camps,

Wills, Lacy, Barbour, Vaughan, Clarke, Thomas, M'Clung, Howard of Floyd, Wood, Sydnor, Price, Howard of James City, York and Williamsburg, Thomson of Jefferson, Wallace, Houser, Lane of Lee, Edwards of Loudoun, Harris, Shepard, Clendenin, Coleman, Whittle, Tanzey, Beirne of Monroe, Kilby, Robinson, Pitts, Pannill, Buswell, Syme, Rives, Harrison of Prince William, Goff, Strother, Mayo, Cook, Dorman, Martz, Fugate, Hargrave and Collins—46.

A motion was made by Mr. THOMSON of Jefferson, to amend the 141st chapter, by adding several sections thereto; and he was discussing the same, and the time allowed by the rule for a member to speak having elapsed, a motion was made that he be allowed to proceed with his remarks, and the question being put thereupon, was determined in the affirmative. Ayes 55, noes 15.

On motion of Mr. RIVES, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Watson, Smith, Cheatham, M'Cue, Boak, De Camps, Maclin of Brunswick, Forbes, Wills, Moncure of Caroline, Lacy, Cardwell, Barbour, Irving of Cumberland, Clarke, Scott, Rector, Howard of Floyd, Stillman, Guerrant, Carroll, Stovall, Major, Hiatt, Lancaster, Howard of James City, York and Williamsburg, Worthington, Tomlin, Harris, M'Donald, Beirne of Monroe, Perrow, Robinson, Butt, Yerby, Booth, Pitts, Pannill, Syme, Townes, Grasty, Cackley, Goff, Strother, Mayo, Martz, Aston, Pittman, George, Massey, Goodson, Collins and Boyd—55.

NOES—Messrs. Brown, Jones, Edwards of Franklin, Sydnor, Bassel, Houser, Newman, Buswell, Rives, Cook, Dorman, Fugate, Griffin, Conway and Hargrave—15.

After further discussion by Mr. THOMSON, the question was put upon his amendment, and was determined in the negative.

The 123d chapter was amended in the 13th section, on motion of Mr. WORTHINGTON.

The 150th chapter was amended in the 9th section, on motion of Mr. FUGATE.

On motion of Mr. ROBINSON, the house adjourned until to-morrow morning 9 o'clock.

SATURDAY, JULY 21, 1849.

A bill concerning the Civil Code of Virginia, part III, was taken up.

The same was amended in the 4th section of the 105th chapter, on motion of Mr. ROBINSON.

On motion of Mr. THOMAS, the rule of the house was suspended, and the vote agreeing to an amendment submitted by him to the 17th section of the 132d chapter, was reconsidered, and the said amendment was then disagreed to.

A motion was made by Mr. HART that the same rule be suspended, for the purpose of reconsidering the vote adopting the amendment proposed on yesterday by Mr. SCOTT, to the 141st chapter, by which the 4th, 5th, 6th, 7th and 8th sections of said chapter were stricken therefrom and other sections substituted therefor; and the question

being put thereupon was determined in the affirmative. Ayes 45, noes 43.

On motion of Mr. PERROW, the vote was recorded as follows:

AYES—Messrs. Hart, Watson, Smith, Dillard, Brown, Faulkner, Boak, De Camps, Harrison of Brunswick, Wills, Moncure of Caroline, Jones, Barbour, Clarke, Edwards of Franklin, Wood, Sydnor, Baily, Carroll, Price, Hiatt, Bassel, Worthington, Lane of Lee, Harrison of Loudoun, Harris, Newman, Shepard, Whittle, Beirne of Monroe, Butt, Pitts, Buswell, Rives, Harrison of Prince William, Goff, Strother, Mayo, Cook, Martz, Aston, Moncure of Stafford, George, Massey and Boyd—45.

NOES—Messrs. Hopkins, (speaker,) Layne of Alleghany, Cheatham, M'Cue, Sheffey, Mitchell, Burwell, Byrne of Braxton, Lewis and Gilmer, Lacy, Cardwell, Irving of Cumberland, Vaughan, Thomas, Scott, Howard of Floyd, Guerrant, Stovall, Major, Allen, Darracott, Lancaster, Tomlin, Edwards of Loudoun, Coleman, Tanzey, Barnett, Kilby, Perrow, Cowper, Booth, Turner, Syme, Townes, Grasty, Cackley, Wootton, Dorman, Fugate, Pittman, Thompson of Smyth, Griffin, Hargrave and Goodson—43.

One of the sections of said amendment provides, that "any judgment creditor who apprehends that he is in danger of loss by reason of usurious dealings on the part of his debtor, may exhibit his bill in equity, verified by affidavit, against the party with whom the dealings were had, and compel him to discover on oath, all bargains, contracts or shifts relative to such dealings; and if it appear that more than legal interest has been received, the excess above that rate, or so much thereof as may be necessary, shall be applied to the satisfaction of the plaintiff's demand. *In any such suit the debtor shall be a competent witness to prove the usury.*"

A motion was made by Mr. HART to amend the said section by striking out the words in *italics*; and the question being put thereupon, was determined in the negative. Ayes 41, noes 49.

On motion of Mr. JONES, the vote was recorded as follows:

AYES—Messrs. Finney, Hart, Watson, Smith, Dillard, Brown, Faulkner, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Wills, Moncure of Caroline, Jones, Barbour, Clarke, Edwards of Franklin, Wood, Sydnor, Baily, Price, Bassel, Harrison of Loudoun, Edwards of Loudoun, Harris, Newman, Shepard, Beirne of Monroe, Pitts, Buswell, Rives, Harrison of Prince William, Goff, Mayo, Cook, Martz, Aston, Fugate, Moncure of Stafford, Hargrave, Massey and Boyd—41.

NOES—Messrs. Hopkins, (speaker,) Layne of Alleghany, Cheatham, M'Cue, Sheffey, Mitchell, Burwell, Boak, Lacy, Cardwell, Irving of Cumberland, Vaughan, Thomas, Scott, Howard of Floyd, Guerrant, Carroll, Stovall, Major, Allen, Hiatt, Darracott, Lancaster, Worthington, Houser, Tomlin, Lane of Lee, Coleman, Whittle, Tanzey, Barnett, Kilby, Perrow, Cowper, Booth, Turner, Syme, Townes, Grasty, Cackley, Wootton, Strother, Dorman, Pittman, Thompson of Smyth, Griffin, Conway, George and Goodson—49.

A motion was made by Mr. STOVALL, that the main question upon adopting the amendment reconsidered be now put, and it was determined in the affirmative. Ayes 55, noes 39.

On motion of Mr. PITTS, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Hart, Layne of Alleghany, Dillard, Cheatham, Sheffey, Brown, Mitchell, Burwell, Byrne of Braxton,

Lewis and Gilmer, Harrison of Brunswick, Cardwell, Barbour, Vaughan, Thomas, Howard of Floyd, Guerrant, Carroll, Price, Stovall, Major, Allen, Hiatt, Bassel, Mullins, Houser, Webb, Edwards of Loudoun, Shepard, Coleman, Tanzey, Barnett, Kilby, Perrow, Booth, Buswell, Turner, Syme, Townes, Grasty, Cackley, Wootton, Cook, Dorman, Martz, Aston, Fugate, Pittman, Thompson of Smyth, Griffin, Conway, Hargrave, George and Massey—55.

NOES—Messrs. Watson, Smith, M'Cue, Faulkner, Boak, De Camps, Wills, Moncure of Caroline, Lacy, Jones, Clarke, Scott, Edwards of Franklin, Wood, Sydnor, Baily, Darracott, Lancaster, Howard of James City, York and Williamsburg, Worthington, Tomlin, Lane of Lee, Harrison of Loudoun, Harris, Edmondson, Newman, Whittle, Beirne of Monroe, Cowper, Yerby, Pitts, Rives, Harrison of Prince William, Goff, Strother, Mayo, Moncure of Stafford, Goodson and Boyd—39.

The question was then put upon adopting the said amendment, as submitted by Mr. SCOTT on yesterday, and was determined in the affirmative. Ayes 59, noes 35.

On motion, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Layne of Alleghany, Cheatham, M'Cue, Sheffey, Mitchell, Burwell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Harrison of Brunswick, Lacy, Cardwell, Irving of Cumberland, Vaughan, Clarke, Thomas, Scott, Howard of Floyd, Guerrant, Carroll, Price, Stovall, Major, Allen, Hiatt, Darracott, Lancaster, Mullins, Howard of James City, York and Williamsburg, Houser, Tomlin, Webb, Edwards of Loudoun, Edmondson, Newman, Coleman, Tanzey, Barnett, Kilby, Perrow, Cowper, Yerby, Booth, Turner, Syme, Townes, Grasty, Cackley, Wootton, Strother, Dorman, Fugate, Pittman, Thompson of Smyth, Griffin, George and Goodson—59.

NOES—Messrs. Hart, Watson, Smith, Dillard, Brown, De Camps, Wills, Moncure of Caroline, Jones, Edwards of Franklin, Wood, Sydnor, Baily, Bassel, Lane of Lee, Harrison of Loudoun, Harris, Shepard, Clendenin, Whittle, Beirne of Monroe, Butt, Pitts, Buswell, Rives, Harrison of Prince William, Goff, Mayo, Cook, Martz, Aston, Conway, Moncure of Stafford, Massey and Boyd—35.

The said bill was further amended, on motion of Mr. LAYNE of Alleghany, in the 6th section of the 103d chapter.

The said bill was also amended, on motion of Mr. MONCURE of Stafford, by striking out the 132d chapter, as heretofore amended, and inserting a substitute in lieu thereof.

The question was then put upon engrossing the bill as amended, and was determined in the affirmative.

On motion of Mr. STOVALL, the house adjourned until Monday morning 9 o'clock.

MONDAY, JULY 23, 1849.

A communication was received from the senate by their clerk, which was read as follows:

IN SENATE, JULY 21, 1849.

The senate insist on their 3d, 4th, 6th, 13th and 19th amendments to the bill, entitled "an act concerning the Civil Code of Virginia, part I," to which the house of delegates disagreed.

They have agreed to the 1st, 2d, 3d and 4th amendments proposed by the house of delegates to their amendments to the said bill, and have disagreed to the 5th, 6th and 7th amendments proposed by the house of delegates to the same.

On motion of Mr. STROTHER, the said bill and amendments were ordered to be laid upon the table.

A further communication from the senate by their clerk was read as follows:

IN SENATE, JULY 21, 1849.

The senate have passed the bill, entitled "an act concerning the Civil Code of Virginia," part II, with amendments, in which they request the concurrence of the house of delegates.

On motion of Mr. STROTHER, the said bill and amendments were ordered to be laid upon the table, and the said amendments were ordered to be printed.

A motion was made by Mr. PERROW that the house adopt the following resolution:

Resolved, That leave be given to bring in a bill for changing the time of holding the circuit superior courts of the counties of Rockbridge, Nelson and Albemarle.

On motion of Mr. HIETT,

Ordered, That the same be laid upon the table.

A bill concerning the Civil Code of Virginia, part III, was read a third time and passed.

Ordered, That Mr. WHITTLE carry the same to the senate, and request their concurrence.

A bill concerning the Civil Code of Virginia, part IV, was read the first and second times; thereupon, a motion was made by Mr. COOK that the same be referred to a committee of the whole house, and it was determined in the negative. Ayes 37, noes 54.

On motion of Mr. NEWMAN, the vote was recorded as follows:

AYES—Messrs. Finney, Hart, Watson, Smith, Mitchell, Boak, Forbes, Wills, Lacy, Cardwell, Irving of Cumberland, Thomas, Stillman, Price, Daracott, Lancaster, Worthington, Tomlin, Harrison of Loudoun, Arnett, M'Donald, Clendenin, Barnett, Perrow, Cowper, Yerby, Pitts, Turner, Syme, Grasty, Goff, Strother, Cook, Burdett, Goodson, Collins and Boyd—37.

NOES—Messrs. Hopkins, (speaker,) Layne of Alleghany, Dillard, Cheatham, Brown, Burwell, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Harrison of Brunswick, Jones, Barbour, Vaughan, Clarke, Howard of Floyd, Claiborne, Edwards of Franklin, Wood, Sydnor, Baily,

Guerrant, Stovall, Allen, Hiatt, Bassel, Wallace, Houser, Webb, Lane of Lee, Harris, Newman, Shepard, Coleman, Whittle, Tanzey, Beirne of Monroe, Kilby, Butt, Booth, Pannill, Cackley, Wootton, Rives, Dorman, Martz, Aston, Fugate, Pittman, Thompson of Smyth, Griffin, Moncure of Stafford, Hargrave, George and Massey—54.

A motion was made by Mr. LANE of Lee, that the main question be now put upon ordering the bill to be engrossed and read a third time; and the question being put upon said motion, was determined in the negative. Ayes 3, noes 89.

On motion of Mr. HART, the vote was recorded as follows :

AYES—Messrs. De Camps, Claiborne, and Lane of Lee—3.

NOES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, Layne of Alleghany, Dillard, Cheatham, Brown, Mitchell, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, Maclin of Brunswick, Harrison of Brunswick, Forbes, Wills, Irvine of Campbell, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Vaughan, Clarke, Thomas, Howard of Floyd, Stillman, Wood, Sydnor, Baily, Clopton, Guerrant, Price, Stovall, Allen, Darracott, Bassel, Lancaster, Howard of James City, York and Williamsburg, Worthington, Wallace, Houser, Tomlin, Webb, Harrison of Loudoun, Harris, Newman, Arnett, M'Donald, Shepard, Clendenin, Coleman, Whittle, Tanzey, Beirne of Monroe, Barnett, Kilby, Perrow, Butt, Cowper, Yerby, Booth, Pitts, Pannill, Turner, Syme, Townes, Grasty, Cackley, Wootton, Rives, Goff, Strother, Cook, Dorman, Martz, Aston, Fugate, Pittman, Thompson of Smyth, Moncure of Stafford, Hargrave, Burdett, George, Massey, Goodson, Collins and Boyd—89.

The 157th chapter, section the 2d, contained the following clause :

"The court may, from time to time, change the day for the commencement of the terms thereof, or any of them, all the acting justices of the county or corporation being first summoned, and a majority concurring in such change. The clerk of such court, within thirty days after any such change, shall send a copy of the order making the change to the clerk of the house of delegates; and if he fail to do so, he shall forfeit fifty dollars."

A motion was made by Mr. WILLS to amend the said section by striking therefrom the said clause; and the question being put thereupon, was determined in the negative. Ayes 41, noes 42.

On motion of Mr. HOWARD of Floyd, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Finney, Layne of Alleghany, Dillard, Brown, Mitchell, Maclin of Brunswick, Wills, Irvine of Campbell, Lacy, Barbour, Irving of Cumberland, Howard of Floyd, Wood, Baily, Guerrant, Price, Darracott, Lancaster, Mullins, Webb, Edwards of Loudoun, Harris, Edmondson, Newman, M'Donald, Clendenin, Beirne of Monroe, Kilby, Perrow, Cowper, Pannill, Turner, Cackley, Goff, Fugate, Thompson of Smyth, Burdett, George, Goodson and Boyd—41.

NOES—Messrs. Hart, Watson, Smith, Cheatham, Burwell, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Jones, Clarke, Thomas, Stillman, Edwards of Franklin, Sydnor, Clopton, Stovall, Allen, Hiatt, Bassel, Howard of James City, York and Williamsburg, Worthington, Lane of Lee, Harrison of Loudoun, Arnett, Coleman, Whittle, Tanzey, Barnett, Booth, Pitts, Grasty, Rives, Strother, Cook, Martz, Aston, Pittman, Griffin, Moncure of Stafford, Hargrave, Massey and Collins—42.

The same chapter was amended in the third section, on motion of Mr. MONCURE of Stafford.

The 158th chapter, section the 4th, was amended on motion of Mr. WILLS.

A motion was made by Mr. PERROW, to amend the 158th chapter, by striking out the 11th, 12th and 13th sections; and the same being under consideration,

On motion of Mr. HARRISON of Loudoun, the house adjourned until to-morrow morning 9 o'clock.

TUESDAY, JULY 24, 1849.

A bill concerning the Civil Code of Virginia, part IV, was taken up, and the amendment submitted by Mr. PERROW, and which was under consideration on yesterday, was again considered.

The said amendment proposed to strike from the 158th chapter the 11th, 12th and 13th sections; and the question being put thereupon, was determined in the affirmative. Ayes 79, noes 15.

On motion of Mr. GEORGE, the vote was recorded as follows:

AYES—Messrs. Hart, Watson, Layne of Alleghany, Dillard, Cheatham, Brown, Mitchell, Burwell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Maclin of Brunswick, Harrison of Brunswick, Forbes, Wills, Lacy, Barbour, Irving of Cumberland, Thomas, Scott, Howard of Floyd, Stillman, Edwards of Franklin, Wood, Sydnor, Baily, Clopton, Guerrant, Carroll, Price, Stovall, Major, Allen, Hiatt, Darracott, Bassel, Lancaster, Mullins, Howard of James City, York and Williamsburg, Worthington, Houser, Tomlin, Webb, Lane of Lee, Harris, Edmondson, Newman, M'Donald, Clendenin, Coleman, Tanzey, Beirne of Monroe, Barnett, Kilby, Perrow, Robinson, Butt, Cowper, Yerby, Booth, Turner, Townes, Grasty, Cackley, Rives, Goff, Mayo, Martz, Aston, Fugate, Pittman, Thompson of Smyth, Griffin, Hargrave, Burdett, George, Goodson, Collins and Boyd—79.

NOES—Messrs. Hopkins, (speaker,) Smith, De Camps, Jones, Rector, Claiborne, Wallace, Harrison of Loudoun, Whittle, Wootton, Strother, Dorman, Conway, Moncure of Stafford, and Massey—15.

On motion of Mr. SCOTT, the said bill was then ordered to be laid upon the table.

A bill concerning the Civil Code of Virginia, part I, with the amendments heretofore proposed by the senate, and the amendments to said amendments proposed by this house, were taken up on motion of Mr. SCOTT.

The senate in their third amendment, proposed to strike from the 7th chapter the 21st section; to this amendment the house disagreed, and the senate insisted upon the same. A motion was then made by Mr. SCOTT, that the house insist upon its disagreement; and the question being put thereupon, was determined in the negative. Ayes 46, noes 54.

On motion of Mr. SCOTT, the vote was recorded as follows:

AYES—Messrs. Finney, Hart, Smith, Mitchell, Burwell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Forbes, Wills, Lacy, Thomas, Scott,

Rector, Howard of Floyd, Stillman, Claiborne, Clopton, Price, Hiatt, Lancaster, Howard of James City, York and Williamsburg, Worthington, Wallace, Tomlin, Webb, Arnett, M'Donald, Clendenin, Barnett, Kilby, Perrow, Cowper, Booth, Turner, Syme, Townes, Grasty, Goff, Strother, Mayo, Aston, Thompson of Smyth, Griffin, Burdett and Boyd—46.

NOES—Messrs. Hopkins, (speaker,) Watson, Layne of Alleghany, Dillard, Cheatham, Brown, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Irving of Cumberland, Edwards of Franklin, Wood, Sydnor, Baily, Guerrant, Carroll, Stovall, Major, Allen, Darracott, Bassel, Mullins, Houser, Lane of Lee, Harrison of Loudoun, Harris, Edmondson, Newman, Shepard, Coleman, Whittle, Tanzey, Beirne of Monroe, Robinson, Butt, Pannill, Cackley, Wootton, Rives, Cook, Dorman, Martz, Fugate, Pittman, Conway, Moncure of Stafford, Hargrave, George, Massey, Goodson and Collins—54.

On motion of **Mr. IRVING** of Cumberland, the house receded from its disagreement, and the question recurring upon agreeing to the said amendment, **Mr. DORMAN** demanded that the main question be now put, and it was sustained by the house, and being put upon agreeing to the senate's amendment, was determined in the affirmative. **Ayes 54, noes 46.**

On motion of **Mr. NEWMAN**, the vote was recorded as follows:

AYES—Messrs. Layne of Alleghany, Dillard, Cheatham, Brown, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Edwards of Franklin, Wood, Sydnor, Baily, Guerrant, Carroll, Stovall, Major, Allen, Darracott, Bassel, Mullins, Houser, Lane of Lee, Harrison of Loudoun, Harris, Edmondson, Newman, Shepard, Coleman, Whittle, Tanzey, Beirne of Monroe, Robinson, Butt, Pannill, Grasty, Cackley, Wootton, Rives, Mayo, Cook, Dorman, Martz, Aston, Fugate, Conway, Moncure of Stafford, Hargrave, George, Massey, Goodson and Collins—54.

NOES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, Mitchell, Burwell, Faulkner, Boak, Forbes, Wills, Lacy, Irving of Cumberland, Thomas, Scott, Rector, Howard of Floyd, Stillman, Claiborne, Clopton, Lancaster, Howard of James City, York and Williamsburg, Worthington, Wallace, Tomlin, Webb, Edwards of Loudoun, Arnett, M'Donald, Clendenin, Barnett, Kilby, Perrow, Cowper, Basye, Booth, Pitts, Turner, Syme, Townes, Goff, Strother, Thompson of Smyth, Griffin, Burdett and Boyd—46.

The 8th chapter, 2d section, provides that "In an election of a delegate or delegates for a county or corporation having separate representation, the said officer shall declare the person or persons for whom the greatest number of votes was given, to be *elected*; and he shall forthwith," &c.

The senate proposed, in their fourth amendment, to insert in said section, after the word "*elected*," the following: "or if the greatest number of votes be equal for two or more persons, he shall declare to which of them he will give the certificate of election, notwithstanding he may have previously voted."

To this amendment the house disagreed, and the senate insisted thereon.

On motion of **Mr. CONWAY**, the house receded from its disagreement and agreed to the same. **Ayes 52, noes 49.**

On motion of Mr. Scott, the vote on agreeing thereto was recorded as follows:

AYES—Messrs. Layne of Alleghany, Dillard, Cheatham, Brown, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, M'Clung, Edwards of Franklin, Wood, Sydnor, Baily, Guerrant, Carroll, Stovall, Major, Allen, Darracott, Bassel, Mullins, Houser, Lane of Lee, Harrison of Loudoun, Harris, Edmondson, Newman, Shepard, Coleman, Whittle, Tanzey, Beirne of Monroe, Robinson, Butt, Pannill, Grasty, Cackley, Wootton, Rives, Cook, Martz, Fugate, Pittman, Conway, Moncure of Stafford, Hargrave, George, Massey, Goodson and Collins—52.

NOES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, Mitchell, Burwell, Faulkner, Boak, Forbes, Wills, Lacy, Irving of Cumberland, Thomas, Scott, Rector, Howard of Floyd, Stillman, Claiborne, Clopton, Price, Lancaster, Howard of James City, York and Williamsburg, Worthington, Wallace, Tomlin, Webb, Edwards of Loudoun, Arnett, M'Donald, Clendenin, Barnett, Kilby, Perrow, Cowper, Yerby, Booth, Turner, Syme, Townes, Goff, Strother, Mayo, Dorman, Aston, Thompson of Smyth, Griffin, Burdett and Boyd—49.

In the 8th chapter, 3d section, the senate proposed by their sixth amendment, to insert after the word "district," in said section, the following: "If the greatest number of votes be equal for two or more persons, the officers attending shall decide to which of them they will give the certificate of election, and if the votes of said officers be equal also, they shall decide forthwith by lot to whom such certificate shall be given."

To this amendment the house disagreed, and the senate insisted thereon; and, on motion of Mr. CONWAY, the house receded from its disagreement; and the question being put upon agreeing to the said amendment, was determined in the negative. Ayes 49, noes 50.

On motion of Mr. HOWARD of Floyd, the vote was recorded as follows:

AYES—Messrs. Layne of Alleghany, Dillard, Cheatham, Brown, De Camps, Maclin of Brunswick, Harrison of Brunswick, Forbes, Moncure of Caroline, Jones, Barbour, Edwards of Franklin, Wood, Baily, Guerrant, Carroll, Stovall, Major, Allen, Darracott, Bassel, Mullins, Houser, Lane of Lee, Harrison of Loudoun, Harris, Edmondson, Newman, Coleman, Whittle, Tanzey, Beirne of Monroe, Butt, Pannill, Grasty, Cackley, Wootton, Rives, Cook, Martz, Fugate, Pittman, Conway, Moncure of Stafford, Hargrave, George, Massey, Goodson and Collins—49.

NOES—Messrs. Hopkins, (speaker,) Hart, Watson, Smith, Mitchell, Burwell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Wills, Lacy, Irving of Cumberland, Thomas, Scott, Rector, Howard of Floyd, Stillman, Claiborne, Sydnor, Clopton, Price, Lancaster, Howard of James City, York and Williamsburg, Worthington, Wallace, Tomlin, Webb, Edwards of Loudoun, Arnett, M'Donald, Clendenin, Barnett, Perrow, Robinson, Cowper, Yerby, Booth, Pitts, Turner, Syme, Townes, Goff, Strother, Mayo, Dorman, Aston, Thompson of Smyth, Griffin, Burdett and Boyd—50.

The senate in their thirteenth amendment, proposed to strike from the 17th chapter the 19th section; to this amendment the house disagreed, and the senate insisted thereupon.

The said section is the following :

"Sec. 19. He shall not grant a pardon to any person sentenced for a crime or misdemeanor by the judgment of a court, upon the ground that the conviction on which such sentence was founded, was, in his opinion, either contrary to evidence, or without sufficient evidence, or contrary to law ; but nothing herein contained shall prevent a pardon, if the convict be recommended to mercy by the jury which sat on his trial, the court which pronounced the judgment, or the general court, nor when facts discovered since the trial, or not in evidence before the jury, make it proper ; nor prevent the granting a reprieve until the end of the next session of the general assembly."

On motion of Mr. CONWAY, the house receded from its disagreement ; and the question being put upon agreeing to the said amendment, was determined in the affirmative. Ayes 52, noes 48.

On motion of Mr. ROBINSON, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Layne of Alleghany, Dillard, Cheatham, Brown, De Camps, Maclin of Brunswick, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Claiborne, Edwards of Franklin, Wood, Sydnor, Bailly, Guerrant, Carroll, Stovall, Major, Allen, Hiatt, Bassel, Houser, Tomlin, Lane of Lee, Harrison of Loudoun, Harris, Edmondson, Newman, Arnett, McDonald, Shepard, Coleman, Whittle, Tanzey, Robinson, Butt, Pitts, Pannill, Cackley, Wootton, Rives, Martz, Fugate, Pittman, Conway, Moncure of Stafford, Hargrave, George, Goodson and Collins—52.

NOES—Messrs. Hart, Watson, Smith, Mitchell, Burwell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Forbes, Wills, Lacy, Irving of Cumberland, Thomas, Scott, Rector, Howard of Floyd, Stillman, Clopton, Price, Darracott, Lancaster, Howard of James City, York and Williamsburg, Worthington, Wallace, Webb, Edwards of Loudoun, Clendenin, Barnett, Kilby, Perrow, Cowper, Yerby, Booth, Turner, Syme, Townes, Grasty, Goff, Strether, Mayo, Cook, Dorman, Aston, Thompson of Smyth, Griffin, Burdett, Massey and Boyd—48.

The nineteenth amendment of the senate proposed to add to the end of the 1st section of the 25th chapter, the following : "There shall also be a muster of each company, including volunteer companies, semi-annually, in the months of April and October."

To this amendment the house disagreed, and the senate insisted thereon.

On motion of Mr. CONWAY, the house receded from its disagreement ; and the question being put upon agreeing to the said amendment, was determined in the negative. Ayes 46, noes 51.

On motion of Mr. SYME, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Layne of Alleghany, Dillard, Cheatham, Brown, Mitchell, De Camps, Harrison of Brunswick, Forbes, Moncure of Caroline, Jones, Barbour, Scott, Sydnor, Guerrant, Price, Stovall, Major, Allen, Mullins, Worthington, Houser, Harrison of Loudoun, Edwards of Loudoun, Harris, Edmondson, Clendenin, Coleman, Tanzey, Barnett, Kilby, Perrow, Booth, Turner, Cackley, Wootton, Rives, Goff, Cook, Aston, Fugate, Thompson of Smyth, Conway, Moncure of Stafford, Hargrave and Goodson—46.

NOES—Messrs. Finney, Hart, Watson, Smith, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Maclin of Brunswick, Wills, Lacy, Irving of Cumberland, Thomas, Rector, Claiborne, Edwards of Franklin, Bailly, Clopton,

Carroll, Hiatt, Darracott, Bassel, Lancaster, Howard of James City, York and Williamsburg, Wallace, Tomlin, Webb, Lane of Lee, Newman, Arnett, M'Donald, Whittle, Beirne of Monroe, Robinson, Butt, Cowper, Yerby, Pitts, Syme, Townes, Grasty, Strother, Mayo, Dorman, Martz, Pittman, Griffin, Burdett, George, Massey, Collins and Boyd—51.

The senate in their twentieth amendment, proposed to insert a section, providing that "Each volunteer company which is armed and uniformed (besides its regular members) may enrol not exceeding fifty contributing members, each of whom on paying to the treasurer of the company, in advance, *three dollars*, shall be exempt from attending the musters or meetings of the company, and from all other military duty for one year, except that he may be drafted or detailed for actual service," &c.

To this amendment the house proposed an amendment, to strike out the words "three dollars," and insert in lieu thereof the words "one dollar," and to this amendment the senate disagreed.

A motion was made by Mr. STOVALL, that the house recede from their said amendment; and the question being put thereupon, was determined in the negative. Ayes 41, noes 42.

On motion of Mr. COOK, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Watson, Smith, Brown, Mitchell, Faulkner, Boak, Moncure of Caroline, Jones, Barbour, Scott, Stillman, Sydnor, Price, Stovall, Major, Lancaster, Howard of James City, York and Williamsburg, Worthington, Houser, Harrison of Loudoun, Edwards of Loudoun, Clendenin, Beirne of Monroe, Perrow, Robinson, Yerby, Pitts, Syme, Cackley, Wootton, Rives, Goff, Mayo, Thompson of Smyth, Griffin, Moncure of Stafford, Hargrave, Massey, Goodson and Collins—41.

NOES—Messrs. Layne of Alleghany, Dillard, Cheatham, Byrne of Braxton, Lewis and Gilmer, De Camps, Wills, Lacy, Thomas, Rector, M'Clung, Howard of Floyd, Edwards of Franklin, Bailly, Clopton, Guerrant, Carroll, Hiatt, Wallace, Tomlin, Lane of Lee, Harris, Newman, Arnett, M'Donald, Whittle, Tanzey, Barnett, Kilby, Cowper, Pannill, Townes, Grasty, Strother, Cook, Dorman, Martz, Aston, Fugate, Pittman, Burdett, George and Boyd—42.

On motion of Mr. WHITTLE, the rule of the house was suspended, and the vote just taken was reconsidered, and the house then receded from its amendment to the said senate's amendment, and agreed to the same without amendment.

The senate in their twenty-first amendment, proposed to strike out the 9th section of the 26th chapter, and in lieu thereof insert, "Besides the regimental or battalion musters, *and the two regular company musters* prescribed by the 1st section of chapter 25th, there shall be *two* other musters of each volunteer company every year."

The house in their sixth amendment, proposed to amend the said amendment, by striking out the words "and the two regular company musters;" and in their seventh amendment, proposed to amend the same amendment of the senate, by striking therefrom the word "two," and inserting in lieu thereof the word "four."

To these two amendments of the house, the senate disagreed; and on motions made by Mr. DORMAN, the house insisted on their said amendments.

Ordered, That the clerk inform the senate of the action of the house upon the amendments to the said bill.

On motion of Mr. SCOTT, the house then took up a bill concerning the Civil Code of Virginia, part IV.

On motion of Mr. PRICE, the same was amended in the 4th section of the 160th chapter.

The 162d chapter was amended in the 1st section, on motion of Mr. COOK, and in the 5th section, on motion of Mr. HARRISON of Loudoun.

A motion was made by Mr. SCOTT, to amend the same chapter, by striking out the whole thereof, and inserting a substitute.

A motion was then made by Mr. CONWAY, to amend the 1st section of the chapter prior to striking out the same; and a motion was made by Mr. PERROW, to amend the said last amendment: Thereupon,

On motion of Mr. THOMAS, the house adjourned until to-morrow 9 o'clock.

WEDNESDAY, JULY 25, 1849.

A bill concerning the Civil Code of Virginia, part IV, was taken up, with the amendments which were pending when the house adjourned on yesterday; and the question being put upon the amendment submitted by Mr. PERROW, was determined in the negative; Mr. CONWAY, with the leave of the house, withdrew his amendment.

The 1st section of the 162d chapter provides, that "No person shall be qualified to serve upon a jury, grand or petit, in any proceeding, civil or criminal, unless he is qualified to vote in the election of members of the general assembly, is over twenty-one and under sixty years of age, and owns property, real or personal, of the value of three hundred dollars."

A motion was made by Mr. CONWAY, to amend the same by substituting therefor the following:

"No person shall be qualified to serve upon a jury, grand or petit, in any proceeding, civil or criminal, unless he be a citizen, over twenty-one years of age, and possessed of property, real or personal, of the value of three hundred dollars."

A motion was made by Mr. DORMAN, to amend the said amendment by substituting for it the following:

"No person shall be qualified to serve upon a jury, unless he be a citizen, over twenty-one years of age."

And the question being put thereupon, was determined in the affirmative. Ayes 52, noes 47.

On motion of Mr. PANNILL, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Layne of Alleghany, Brown, Burwell, Byrne of Braxton, Lewis and Gilmer, Maclin of Brunswick, Harrison of Brunswick, Forbes, Moncure of Caroline, Irving of Cumberland, M'Clung, Howard of Floyd, Edwards of Franklin, Sydnor, Baily, Guerrant, Carroll, Major, Allen, Hiatt, Bassel, Mullins, Houser, Tomlin, Lane of Lee, Edwards of Loudoun, Harris, Newman, Arnett, M'Donald, Tanzey, Beirne of Mon-

roe, Butt, Cowper, Pannill, Buswell, Turner, Cackley, Wootton, Rives, Mayo, Cook, Dorman, Martz, Aston, Pittman, Thompson of Smyth, Hargrave, George, Goodson, Collins and Boyd—52.

NOES—Messrs. Finney, Hart, Watson, Smith, Dillard, Cheatham, Mitchell, Faulkner, Boak, De Camps, Wills, Lacy, Jones, Barbour, Thomas, Rector, Stillman, Claiborne, Wood, Clopton, Darracott, Lancaster, Worthington, Wallace, Webb, White, Harrison of Loudoun, Edmondson, Shepard, Coleman, Whittle, Barnett, Perrow, Robinson, Yerby, Pitts, Syme, Townes, Grasty, Goff, Fugate, Griffin, Conway, Moncure of Stafford, Nicholson, Burdett and Massey—47.

The question was then put upon adopting the said amendment as amended, and was determined in the negative. Ayes 42, noes 55.

On motion of Mr. DORMAN, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Layne of Alleghany, Brown, Burwell, Byrne of Braxton, Lewis and Gilmer, Wills, Moncure of Caroline, Cardwell, Irving of Cumberland, M'Clung, Howard of Floyd, Edwards of Franklin, Baily, Guerrant, Carroll, Major, Allen, Hiatt, Bassel, Houser, Tomlin, Harris, Newman, Tanzey, Beirne of Monroe, Butt, Cowper, Pannill, Buswell, Rives, Strother, Mayo, Cook, Dorman, Martz, Aston, Pittman, Thompson of Smyth, Hargrave, George, Goodson and Collins—42.

NOES—Messrs. Finney, Hart, Watson, Smith, Dillard, Cheatham, Mitchell, Faulkner, Boak, De Camps, Maclin of Brunswick, Harrison of Brunswick, Forbes, Lacy, Jones, Barbour, Thomas, Rector, Stillman, Claiborne, Wood, Sydnor, Clopton, Stovall, Darracott, Lancaster, Worthington, Wallace, Webb, White, Harrison of Loudoun, Edwards of Loudoun, Edmondson, Shepard, Clendenin, Coleman, Whittle, Barnett, Perrow, Robinson, Yerby, Booth, Syme, Townes, Grasty, Cackley, Wootton, Goff, Fugate, Griffin, Conway, Moncure of Stafford, Nicholson, Massey and Boyd—55.

The same section was amended, on motion of Mr. HART, by striking out the words "and sixty."

On motion of Mr. FAULKNER, the same section was amended by striking out the words "jury, grand or petit," and inserting "petit jury."

On motion of Mr. DORMAN, the same section was amended by striking out the words "is over twenty-one years of age."

A motion was then made by Mr. COOK, further to amend the same section in the last line, by striking out the word "three," and inserting in lieu thereof the word "one," so as to cause that part of the section to read "and owns property, real or personal, of the value of one hundred dollars."

And the question being put thereupon, was determined in the affirmative. Ayes 42, noes 41.

On motion of Mr. DORMAN, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Layne of Alleghany, Dillard, Cheatham, Brown, Burwell, Wills, Moncure of Caroline, Cardwell, Irving of Cumberland, Howard of Floyd, Edwards of Franklin, Baily, Guerrant, Stovall, Major, Allen, Bassel, Houser, Tomlin, Lane of Lee, Harris, Newman, Tanzey, Beirne of Monroe, Perrow, Cowper, Rives, Mayo, Cook, Dorman, Martz, Aston, Fugate, Pittman, Thompson of Smyth, Hargrave, Nicholson, George, Goodson, Collins and Boyd—42.

NOES—Messrs. Finney, Hart, Watson, Smith, Mitchell, Faulkner, De Camps, Maclin of Brunswick, Harrison of Brunswick, Forbes, Lacy, Jones,

Barbour, Thomas, Stillman, Claiborne, Wood, Sydnor, Clopton, Carroll, Darracott, Lancaster, Worthington, White, Harrison of Loudoun, Edwards of Loudoun, Edmondson, Shepard, Clendenin, Whittle, Barnett, Robinson, Pitts, Townes, Grasty, Cackley, Goff, Griffin, Conway, Moncure of Stafford, and Massey—41.

The same chapter was amended, on motion of Mr. HART, in the 2d section, and on motion of Mr. WILLS, in the 4th and 11th sections.

A motion was made by Mr. HART to amend the 12th section, by striking therefrom the words, "or by like consent, the jury may consist of seven; and in that case a verdict shall be as valid, and have the same effect, as if it had been found by a jury of twelve;" and the question being put thereupon, was determined in the negative. Ayes 24, noes 62.

On motion of Mr. WHITE, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Hart, Smith, Dillard, Burwell, Forbes, Moncure of Caroline, Howard of Floyd, Wood, Baily, Carroll, Bassel, Worthington, White, Edmondson, Beirne of Monroe, Robinson, Cowper, Pannill, Rives, Goff, Hargrave, George and Goodson—24.

NOES—Messrs. Finney, Watson, Layne of Alleghany, Cheatham, Brown, Mitchell, Faulkner, Boak, De Camps, Harrison of Brunswick, Wills, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Thomas, Rector, M'Clung, Stillman, Claiborne, Edwards of Franklin, Sydnor, Clopton, Stovall, Major, Allen, Hiatt, Darracott, Lancaster, Wallace, Tomlin, Webb, Lane of Lee, Harrison of Loudoun, Harris, Newman, Clendenin, Whittle, Tanzey, Perrow, Booth, Pitts, Buswell, Syme, Townes, Grasty, Cackley, Wootton, Strother, Mayo, Dorman, Martz, Aston, Pittman, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Nicholson, Massey and Boyd—62.

A motion was made by Mr. MAYO to amend the 12th section of the same chapter.

Thereupon a motion was made by Mr. MAYO, at five minutes after 3 o'clock, that the house do now adjourn, and it was determined in the affirmative. Ayes 58, noes 12.

On motion of Mr. WILLS, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, Layne of Alleghany, Dillard, Cheatham, Brown, Mitchell, Byrne of Braxton, Lewis and Gilmer, De Camps, Forbes, Moncure of Caroline, Lacy, Cardwell, Jones, Thomas, Rector, Howard of Floyd, Stillman, Claiborne, Edwards of Franklin, Sydnor, Baily, Stovall, Allen, Hiatt, Darracott, Bassel, Lancaster, Worthington, Tomlin, Webb, Harrison of Loudoun, Edwards of Loudoun, Edmondson, Clendenin, Tanzey, Beirne of Monroe, Robinson, Booth, Buswell, Syme, Townes, Grasty, Wootton, Rives, Mayo, Dorman, Martz, Fugate, Pittman, Conway, Moncure of Stafford, George, Massey, and Boyd—58.

NOES—Messrs. Maclin of Brunswick, Harrison of Brunswick, Wills, M'Clung, Major, Lane of Lee, Harris, Newman, Cackley, Goff, Thompson of Smyth, and Griffin—12.

And then the house adjourned until to-morrow morning 9 o'clock.

THURSDAY, JULY 26, 1849.

On motion of Mr. SYME,

Resolved, That it shall hereafter be one of the standing rules of this house, that the call for the previous question shall not be debated.

A communication from the senate by their clerk was read as follows:

IN SENATE, JULY 23, 1849.

The senate adhere to their sixth and nineteenth amendments to the bill, entitled "an act concerning the Civil Code of Virginia," part I, to which the house of delegates again disagreed.

And they adhere to their disagreement to the sixth and seventh amendments of the house of delegates to their amendments to the said bill.

The sixth amendment of the senate, to which they adhered, proposed to insert in the 3d section of the 8th chapter, the following: "If the greatest number of votes be equal for two or more persons, the officers attending shall decide to which of them they will give the certificate of election; and if the votes of said officers be equal also, they shall decide forthwith by lot to whom such certificate shall be given."

A motion was made by Mr. CONWAY, that the house recede from its disagreement to said amendment; thereupon, Mr. BASSEL demanded that the main question be now put; and the question being put, whether the house would sustain the previous question, it appeared that there was not a quorum present.

A motion was then made by Mr. HOWARD of Floyd, that a call of the house be made, and it was agreed to; and the roll of the members was once called, and ninety-three members answering to their names, and a second call to note the absentees being about to be taken, a motion was made by Mr. IRVING of Cumberland, that the further call of the house be dispensed with, and it was determined in the affirmative. Ayes 92, noes 5.

On motion of Mr. IRVING of Cumberland, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, Layne of Alleghany, Dillard, Cheatham, Mitchell, Burwell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Maclin of Brunswick, Harrison of Brunswick, Forbes, Wills, Moncure of Caroline, Lacy, Jones, Barbour, Irving of Cumberland, Thomas, Rector, M'Clung, Howard of Floyd, Stillman, Claiborne, Edwards of Franklin, Wood, Baily, Guerrant, Carroll, Maclin of Greenvsille, Stovall, Major, Allen, Hiett, Darracott, Bassel, Lancaster, Mullins, Worthington, Tomlin, Webb, Lane of Lee, White, Harrison of Loudoun, Edwards of Loudoun, Harris, Edmondson, Newman, Arnett, Shepard, Whittle, Tanzey, Beirne of Monroe, Barnett, Perrow, Butt, Cowper, Yerby, Booth, Pannill, Buswell, Turner, Syme, Townes, Grasty, Cackley, Fairfax, Wootton, Rives, Goff, Strother, Mayo, Cook, Martz, Aston, Fugate, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson, Burdett, George, Massey, Goodson, Collins and Boyd—92.

NOES—Messrs. Brown, De Camps, M'Donald, Clendenin and Robinson—5.

The question was then put upon receding from the disagreement of the house to the said sixth amendment of the senate, and was determined in the affirmative. Ayes 59, noes 39.

On motion of Mr. WORTHINGTON, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Layne of Alleghany, Dillard, Cheatham, Brown, Byrne of Braxton, Lewis and Gilmer, De Camps, Maclin of Brunswick, Harrison of Brunswick, Forbes, Moncure of Caroline, Jones, Barbour, M'Clung, Edwards of Franklin, Wood, Baily, Guerrant, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Darracott, Bassel, Mullins, Houser, Lane of Lee, Harrison of Loudoun, Harris, Edmondson, Newman, Shepard, Coleman, Whittle, Tanzey, Beirne of Monroe, Robinson, Butt, Pannitt, Burwell, Grasty, Cackley, Fairfax, Wootton, Rives, Goff, Mayo, Cook, Marx, Fugate, Conway, Moncure of Stafford, Hargrave, Nicholson, George, Massey, Goodson and Collins—59.

NOES—Messrs. Finney, Hart, Watson, Smith, Mitchell, Burwell, Faulkner, Boak, Wills, Lacy, Irving of Cumberland, Thomas, Rector, Howard of Floyd, Stillman, Claiborne, Lancaster, Worthington, Tomlin, Webb, White, Edwards of Loudoun, Arnett, M'Donald, Clendenin, Barnett, Perrow, Cowper, Yerby, Turner, Syme, Townes, Strother, Dorman, Aston, Thompson of Smyth, Griffin, Burdett and Boyd—39.

The said amendment was then agreed to.

The said nineteenth amendment of the senate, to which they adhered, being again read,

On motion of Mr. MONCURE of Stafford,

Resolved, That the senate be requested to appoint a committee of conference on their part, to meet a committee on the part of this house, to take into consideration the disagreement of the two houses upon the amendments to the bill concerning the Civil Code of Virginia, part I, and upon any omissions in amendments of both houses necessary to be supplied.

Ordered, That Mr. MONCURE of Stafford carry the said resolution to the senate, and request their concurrence.

On motion of Mr. STOVALL, the said bill and remaining amendments were ordered to be laid upon the table.

A bill concerning the Civil Code of Virginia, part IV, was taken up, and the amendment pending when the house adjourned on yesterday was disagreed to.

The 12th section of the 162d chapter is the following :

"In any case except a case of felony, in which a trial by jury would be otherwise proper, the parties or their counsel, by consent entered of record, may waive the right to have a jury; and thereupon the whole matter of law and fact may be heard and determined, and judgment given by the court; or by like consent the jury may consist of seven, and in that case a verdict shall be as valid, and have the same effect as if it had been found by a jury of twelve."

A motion was made by Mr. SMITH to amend the said chapter by striking out the said section, and it was determined in the negative. Ayes 30, noes 69.

On motion of Mr. SMITH, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Hart, Smith, Layne of Alleghany, Bar-

well, Moncure of Caroline, Cardwell, M'Clung, Howard of Floyd, Wood, Baily, Clopton, Maclin of Greenville, Worthington, White, Arnett, Shepard, Beirne of Monroe, Perrow, Robinson, Cowper, Rives, Goff, Mayo, Cook, Aston, Fugate, George, Goodson and Collins—30.

NOES—Messrs. Finney, Watson, Dillard, Cheatham, Brown, Mitchell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Forbes, Wills, Lacy, Jones, Barbour, Irving of Cumberland, Thomas, Rector, Stillman, Claiborne, Edwards of Franklin, Sydnor, Guerrant, Stovall, Major, Allen, Hiatt, Darracott, Bassel, Lancaster, Mullins, Houser, Tomlin, Webb, Lane of Lee, Harrison of Loudoun, Edwards of Loudoun, Harris, Newman, M'Donald, Clendenin, Coleman, Whittle, Tanzey, Barnett, Butt, Yerby, Basye, Booth, Buswell, Turner, Syme, Townes, Grasty, Cackley, Fairfax, Wootton, Dorman, Martz, Pittman, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Nicholson, Burdett, Massey and Boyd—69.

The sixteenth section of the same chapter provides, that "Every county and corporation court, if a majority of the justices thereof be present and concur, may order that the jurors summoned and attending in such county or corporation shall be paid for their attendance and service as such, and in such order fix the amount of such compensation, not exceeding one dollar and fifty cents, and not less than fifty cents per day."

A motion was made by Mr. FINNEY to amend the said chapter, by striking out the said section, and inserting in lieu thereof the following:

"Jurors shall be paid for their attendance and service. The court of the county or corporation in which they attend, shall, by an order, fix the amount of their compensation, not exceeding \$1 50, and not less than 50 cents per day."

A division of the question was asked by Mr. GOODSON, and being put first upon striking out the said sixteenth section, was determined in the negative. Ayes 35, noes 60.

On motion of Mr. ROBINSON, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Smith, Brown, Cardwell, Barbour, Irving of Cumberland, Claiborne, Edwards of Franklin, Maclin of Greenville, Allen, Bassel, Lancaster, Worthington, Houser, Tomlin, Lane of Lee, Newman, M'Donald, Shepard, Clendenin, Perrow, Robinson, Cowper, Basye, Buswell, Rives, Goff, Strother, Martz, Aston, Fugate, Burdett, George and Goodson—35.

NOES—Messrs. Hart, Watson, Layne of Alleghany, Dillard, Cheatham, Mitchell, Burwell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Wills, Moncure of Caroline, Lacy, Jones, Thomas, Rector, M'Clung, Howard of Floyd, Stillman, Sydnor, Baily, Clopton, Guerrant, Stovall, Major, Hiatt, Mullins, Webb, Harrison of Loudoun, Edwards of Loudoun, Harris, Edmondson, Coleman, Whittle, Tanzey, Beirne of Monroe, Barnett, Butt, Booth, Turner, Syme, Townes, Grasty, Cackley, Fairfax, Wootton, Mayo, Cook, Dorman, Pittman, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson, Massey and Boyd—60.

By refusing to strike out the section, the second branch of the question failed necessarily.

A motion was then made by Mr. HIETT to amend the same chapter by striking out the 16th, 17th and 18th sections.

The said 17th section provides, that "*The amount necessary under any such order shall be chargeable to the town or county, as the case may be, and levied in the same manner as other town or county levies, except that when there is no separate circuit court for a town, the whole charge for such jurors as attend the circuit court of the county, shall be levied for by the county court, upon the inhabitants of the town as well as the other inhabitants of the county.*"

A motion was made by Mr. LANE of Lee, to amend the same by striking out the words in *italics*, and inserting the following words: "paid out of the public treasury, out of any money not otherwise appropriated upon the warrant of the first auditor."

And the question being put upon the said amendment, was determined in the negative. Ayes 28, noes 70.

On motion of Mr. LANE of Lee, the vote was recorded as follows:

AYES—Messrs. Layne of Alleghany, Byrne of Braxton, Lewis and Gilmer, De Camps, M'Clung, Wood, Baily, Allen, Hiett, Bassel, Lane of Lee, Arnett, M'Donald, Clendenin, Tanzey, Beirne of Monroe, Perrow, Buswell, Turner, Cackley, Goff, Martz, Aston, Fugate, Burdett, George, Goodson, Collins and Boyd—28.

NOES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, Dillard, Cheatham, Brown, Mitchell, Burwell, Faulkner, Boak, Harrison of Brunswick, Forbes, Wills, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Thomas, Rector, Howard of Floyd, Stillman, Claiborne, Edwards of Franklin, Clopton, Guerrant, Maclin of Greenville, Stovall, Major, Darracott, Lancaster, Worthington, Houser, Tomlin, Webb, White, Harrison of Loudoun, Edwards of Loudoun, Harris, Newman, Shepard, Coleman, Whittle, Barnett, Robinson, Butt, Cowper, Yerby, Basye, Booth, Syme, Townes, Grasty, Wootton, Rives, Strother, Mayo, Cook, Dorman, Pittman, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson and Massey—70.

A motion was made by Mr. WHITTLE to amend the 16th section, by adding thereto the following: "And such order (a like majority concurring,) may at any time be revoked."

Mr. GOODSON, standing, addressed the chair, and was recognized by the SPEAKER. Mr. RIVES, rising from his seat, addressed the chair, and demanded the floor, upon the ground that the rule of the house required a member to rise and address "MR. SPEAKER;" thereupon, the SPEAKER decided that Mr. RIVES was entitled to the floor, from which decision Mr. GOODSON appealed to the house, and the question being put, "Shall the decision of the SPEAKER stand as the judgment of the house?" was determined in the affirmative. Ayes 70, noes 14.

On motion of Mr. GOODSON, the vote was recorded as follows:

AYES—Messrs. Finney, Smith, Layne of Alleghany, Dillard, Cheatham, Brown, Mitchell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Forbes, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Thomas, Howard of Floyd, Stillman, Edwards of Franklin, Wood, Sydnor, Baily, Clopton, Guerrant, Maclin of Greenville, Stovall, Major, Darracott, Bassel, Lancaster, Houser, Tomlin, Webb, Lane of Lee, White, Harrison of Loudoun, Edwards of Lou-

doun, Harris, Newman, Arnett, Coleman, Whittle, Tanzey, Beirne of Monroe, Barnett, Robinson, Butt, Cowper, Yerby, Booth, Pannill, Syme, Townes, Grasty, Cackley, Fairfax, Wootton, Cook, Dorman, Martz, Pittman, Griffin, Hargrave, Massey and Boyd—70.

NOES—Messrs. Wills, Claiborne, Hiatt, Worthington, Clendenin, Buswell, Turner, Strother, Aston, Fugate, Conway, Moncure of Stafford, George and Collins—14.

Mr. RIVES then asked that the main question be now put, and it was sustained by the house; and being put upon the amendment proposed by Mr. WHITTLE, was decided in the affirmative.

Mr. ROBINSON then demanded that the main question be now put upon the motion made by Mr. HIATT to strike out the 16th, 17th and 18th sections; and the question being put upon sustaining the previous question, was determined in the affirmative. Ayes 63, noes 32.

On motion of Mr. CLAIBORNE, the vote was recorded as follows:

AYES—Messrs. Finney, Hart, Layne of Alleghany, Dillard, Cheatham, Brown, Mitchell, De Camps, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Thomas, Rector, M'Clung, Howard of Floyd, Stillman, Edwards of Franklin, Wood, Sydnor, Baily, Clopton, Guerrant, Maclin of Greenville, Stovall, Major, Allen, Bassel, Lancaster, Houser, Harris, Newman, Shepard, Clendenin, Coleman, Tanzey, Beirne of Monroe, Barnett, Robinson, Butt, Cowper, Yerby, Booth, Syme, Townes, Grasty, Cackley, Fairfax, Wootton, Rives, Harrison of Prince William, Cook, Dorman, Martz, Aston, Pittman, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Hargrave, George and Massey—63.

NOES—Messrs. Hopkins, (speaker,) Watson, Smith, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Maclin of Brunswick, Forbes, Wills, Lacy, Claiborne, Hiatt, Darracott, Worthington, Tomlin, Lane of Lee, White, Harrison of Loudoun, Edwards of Loudoun, Arnett, Whittle, Perrow, Pannill, Buswell, Turner, Goff, Strother, Fugate, Burdett, Goodson, Collins and Boyd—32.

The question then recurred upon striking out the said sections, which are the following:

"Sec. 16. Every county and corporation court, if a majority of the justices thereof be present and concur, may order that the jurors, summoned and attending in such county or corporation, shall be paid for their attendance and service as such, and in such order fix the amount of such compensation, not exceeding one dollar and fifty cents, and not less than fifty cents, per day; and such order (a like majority concurring,) may at any time be revoked.

"Sec. 17. The amount necessary under any such order shall be chargeable to the town or county, as the case may be, and levied in the same manner as other town or county levies, except that when there is no separate circuit court for a town, the whole charge for such jurors as attend the circuit court of the county shall be levied for by the county court, upon the inhabitants of the town as well as the other inhabitants of the county.

"Sec. 18. The amount of all fines which may be imposed under any section of this chapter upon sheriffs or other officers, or upon those summoned or serving as jurors, and paid into the treasury in any year from any county or corporation which provides for paying its

jurors, shall be paid out of the public treasury, upon the warrant of the first audttor, to the order of the court of such county or corporation, to be applied to the payment of the town or county charges."

And it was determined in the negative. Ayes 18, noes 76.

On motion of Mr. FORBES, the vote was recorded as follows :

AYES—Messrs. Brown, Moncure of Caroline, Maclin of Greenville, Allen, Hiatt, Bassel, Tomlin, Lane of Lee, Shepard, Clendenin, Tanzey, Buswell, Rives, Harrison of Prince William, Aston, Burdett, George and Goodson—18.

NOES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, Layne of Alleghany, Dillard, Cheatham, Mitchell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Forbes, Wills, Lacy, Jones, Barbour, Irving of Cumberland, Thomas, Rector, M'Clung, Howard of Floyd, Stillman, Claiborne, Edwards of Franklin, Woods, Sydnor, Baily, Clopton, Guerrant, Stovall, Major, Darracott, Lancaster, Worthington, Houser, Webb, White, Harrison of Loudoun, Edwards of Loudoun, Harris, Newman, Arnett, Coleman, Whittle, Beirne of Monroe, Perrow, Robinson, Butt, Cowper, Booth, Pannill, Turner, Syme, Townes, Grasty, Cackley, Fairfax, Wootton, Goff, Strother, Mayo, Cook, Dorman, Martz, Fugate, Pittman, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Hargrave, Massey and Boyd—76.

A motion was made by Mr. FAULKNER to amend the seventh section of the same chapter, by adding a clause thereto.

Mr. GOODSON then presented a statement relative to the facts to be stated on the journal upon the appeal from the SPEAKER's decision made to day ; and the same being under discussion,

On motion of Mr. MAJOR, the house adjourned until to-morrow morning 9 o'clock.

FRIDAY, JULY 27, 1849.

A communication from the senate by their clerk was read as follows :

IN SENATE, JULY 26, 1849.

The senate have agreed to the resolution asking a committee of conference upon the bill, entitled "an act concerning the Civil Code of Virginia," part I, and have appointed a committee on their part.

The SPEAKER announced the following as the committee of conference on the part of this house : Messrs. Strother, Moncure of Stafford, George, Yerby, Bassel, Whittle, Cook, Watson, Lane of Lee, Conway, Worthington, Stovall, and Beirne of Monroe.

A bill concerning the Civil Code of Virginia, part IV, was taken up ; thereupon, Mr. GOODSON, with the leave of the house, withdrew the statement submitted by him relative to the point of order raised on yesterday, and his appeal from the decision of the SPEAKER thereon ; and Mr. FAULKNER withdrew, in like manner, his amendment, which was pending when the house adjourned.

A motion was made by Mr. CLAIBORNE, to amend the 17th section, by adding thereto the following : " But all persons disqualified by the

first section of this chapter from serving on juries by reason of their not owning property of the value of one hundred dollars, shall be exempt from such levies."

And the question being put upon the said amendment, was determined in the affirmative. Ayes 61, noes 25.

On motion of Mr. LANE of Lee, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Layne of Alleghany, Burwell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Wills, Moncure of Caroline, Rector, M'Clung, Howard of Floyd, Claiborne, Edwards of Franklin, Sydnor, Baily, Clopton, Guerrant, Carroll, Maclin of Greenville, Major, Allen, Hiatt, Darracott, Bassel, Worthington, Thomson of Jefferson, Tomlin, Webb, Lane of Lee, White, Harrison of Loudoun, Newman, Whittle, Tanzey, Beirne of Monroe, Robinson, Butt, Cowper, Buswell, Turner, Syme, Cackley, Rives, Harrison of Prince William, Goff, Cook, Dorman, Martz, Aston, Fugate, Pittman, Thompson of Smyth, Moncure of Stafford, Hargrave, Burdett, George, Collins and Boyd—61.

NOES—Messrs. Dillard, Cheatham, Mitchell, De Camps, Harrison of Brunswick, Forbes, Lacy, Barbour, Irving of Cumberland, Clarke, Stillman, Wood, Edwards of Loudoun, Harris, Shepard, Booth, Townes, Grasty, Fairfax, Strother, Mayo, Griffin, Conway, Nicholson and Massey—25.

A motion was then made by Mr. LANE of Lee, to amend the said section, by adding after the last amendment the following:

"Nothing in this section shall be so construed as to authorize the court to levy such amount upon the titheables of the county, but the same shall be levied upon the taxable property of the inhabitants of the town or county."

And the question being put thereupon, was determined in the negative. Ayes 33, noes 56.

On motion of Mr. LANE of Lee, the vote was recorded as follows:

AYES—Messrs. Finney, Layne of Alleghany, Brown, Boak, Byrne of Braxton, Lewis and Gilmer, Irving of Cumberland, Rector, M'Clung, Claiborne, Edwards of Franklin, Sydnor, Carroll, Allen, Hiatt, Bassel, Thomson of Jefferson, Lane of Lee, Edwards of Loudoun, Shepard, Coleman, Tanzey, Beirne of Monroe, Butt, Cowper, Buswell, Turner, Cackley, Goff, Martz, Fugate, Griffin, Burdett and Collins—33.

NOES—Messrs. Hopkins, (speaker,) Hart, Watson, Smith, Dillard, Cheatham, Mitchell, Burwell, Faulkner, De Camps, Harrison of Brunswick, Wills, Moncure of Caroline, Lacy, Jones, Barbour, Clarke, Stillman, Wood, Baily, Clopton, Guerrant, Maclin of Greenville, Major, Darracott, Worthington, Houser, Tomlin, Webb, White, Harrison of Loudoun, Harris, Newman, Whittle, Booth, Pitts, Syme, Townes, Grasty, Fairfax, Rives, Harrison of Prince William, Strother, Mayo, Cook, Dorman, Aston, Pittman, Thompson of Smyth, Conway, Moncure of Stafford, Hargrave, Nicholson, George, Massey and Boyd—56.

The said 162d chapter was amended, on motion of Mr. MAYO, by adding a new section at the end thereof.

On motion of Mr. STROTHER, leave was granted to withdraw the substitute submitted by Mr. SCOTT for said chapter.

On motion of Mr. CLAIBORNE, leave of absence from the service of this house, for the remainder of the session, was granted to Mr. LANE of Lee, from and after to-morrow.

A motion was made by Mr. PITTS, that the house now resolve itself into a committee of the whole house, to take said bill into consideration, and it was determined in the negative. Ayes 35, noes 49.

On motion of Mr. HOWARD of Floyd, the vote was recorded as follows:

AYES—Messrs. Hart, Watson, Smith, Dillard, Brown, Mitchell, Burwell, Faulkner, Boak, Forbes, Wills, Lacy, Rector, M'Clung, Stillman, Worthington, Thomson of Jefferson, Tomlin, Harrison of Loudoun, Edwards of Loudoun, M'Donald, Robinson, Cowper, Yerby, Pitts, Buswell, Turner, Syme, Townes, Grasty, Strother, Dorman, Burdett, Collins and Boyd—35.

NOES—Messrs. Hopkins, (speaker,) Finney, Layne of Alleghany, Cheatham, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Irving of Cumberland, Clarke, Howard of Floyd, Edwards of Franklin, Wood, Sydnor, Baily, Clopton, Guerrant, Carroll, Maclin of Greenville, Major, Allen, Hiatt, Bassel, Houser, Webb, White, Harris, Newman, Coleman, Whittle, Tanzey, Butt, Booth, Cackley, Fairfax, Rives, Harrison of Prince William, Goff, Mayo, Martz, Fugate, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson and Massey—49.

The 163d chapter was amended, on motion of Mr. WORTHINGTON, by striking out the 2d section, and inserting a substitute therefor.

The 165th chapter was amended in the 8th section, on motion of Mr. MONCURE of Stafford.

The 167th chapter was amended in the 5th section, on motion of Mr. WATSON.

The said 5th section, as amended, is the following:

"Any person entitled to recover money by action *on any contract*, may, on motion before any court which would have jurisdiction in an action, otherwise than under the second section of chapter 169, obtain judgment for such money after sixty days notice."

A motion was made by Mr. FAULKNER, to amend the same section, by striking out the words "on any contract," and inserting in lieu thereof "due by bond, bill or note in writing for the payment of money;" and the question being put thereupon, was determined in the negative. Ayes 15, noes 73.

On motion of Mr. LANE of Lee, the vote was recorded as follows:

AYES—Messrs. Hart, Watson, Mitchell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, Wills, Barbour, Wood, Worthington, Shepard, Whittle, Goff, Strother and Aston—15.

NOES—Messrs. Hopkins, (speaker,) Finney, Smith, Layne of Alleghany, Dillard, Cheatham, Brown, De Camps, Harrison of Brunswick, Forbes, Moncure of Caroline, Lacy, Jones, Irving of Cumberland, Clarke, Rector, M'Clung, Howard of Floyd, Stillman, Claiborne, Edwards of Franklin, Sydnor, Baily, Clopton, Carroll, Maclin of Greenville, Major, Allen, Hiatt, Darracott, Bassel, Thomson of Jefferson, Houser, Tomlin, Webb, Lane of Lee, White, Harrison of Loudoun, Edwards of Loudoun, Harris, Edmondson, Newman, M'Donald, Tanzey, Beirne of Monroe, Butt, Cowper, Basye, Booth, Pannill, Buswell, Townes, Grasty, Cackley, Fairfax, Rives, Harrison of Prince William, Mayo, Cook, Dorman, Martz, Fugate, Pittman, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson, Burdett, George, Massey and Boyd—73.

A motion was made by Mr. LACY, to amend the 4th section of the same chapter; and then,

On motion of Mr. HART, the house adjourned until to-morrow morning 9 o'clock.

SATURDAY, JULY 28, 1849.

A bill concerning the Civil Code of Virginia, part IV, was taken up; and the amendment proposed by Mr. LACY to the 4th section of the 166th chapter, which was pending when the house adjourned on yesterday, was agreed to.

The said bill was further amended on motions made by Mr. WATSON, and Mr. HARRISON of Loudoun, in the second section of the 170th chapter.

The same chapter was amended in the 7th section, on motion of Mr. WHITTLE.

The 172d chapter, sections the 4th and 5th, were amended on motions of Mr. WORTHINGTON.

The 175th chapter, sections the 2d and 3d, were amended on motions of Mr. LACY and Mr. CONWAY.

The 26th, 27th and 28th sections of the 176th chapter, were amended on motions of Mr. SMITH, Mr. WHITTLE, and Mr. LANE of Lee.

The 178th chapter was amended in the 1st section on motions made by Mr. CONWAY and Mr. LACY; in the 2d section, on motion of Mr. JONES; and in the 3d section, on motion of Mr. HARRISON of Loudoun.

On motion of Mr. SMITH, the house adjourned until Monday morning 9 o'clock.

MONDAY, JULY 30, 1849.

A bill concerning the Civil Code of Virginia, part IV, was taken up. The 182d chapter was amended in the 3d section on motion of Mr. GOFF; and in the 19th section, on motion of Mr. MONCURE of Stafford.

The 184th chapter was amended in the 5th section, on motion of Mr. MONCURE of Stafford; in the 9th section, on motion of Mr. STOVALL; in the 12th section, on motion of Mr. WATSON; in the 22d, on motion of Mr. MAYO; in the 23d, on motion of Mr. WATSON; and in the 24th, on motion of Mr. GOFF.

The 186th chapter was amended in the 8th section on motion of Mr. HARRISON of Prince William; and by Mr. SCOTT, by striking out the 10th section.

The 188th chapter was amended on motion of Mr. MONCURE of Stafford, in the 22d section.

On motion of Mr. HIETT, the house adjourned until to-morrow morning 9 o'clock.

TUESDAY, JULY 31, 1849.

Mr. STROTHER, from the committee of conference on the bill, entitled "an act concerning the Civil Code of Virginia," part I, presented a report, which was read as follows:

The committee of conference on the part of the house, met a committee on the part of the senate, upon the disagreement of the two houses upon several amendments to the bill, entitled "an act concerning the Civil Code of Virginia," part I, with authority to suggest such consequential amendments as were rendered necessary by the amendments heretofore agreed to by both houses, have considered the same, and submit the following report:

The committee on the part of the house proposed to the committee of the senate, that the amendment No. 19 of the senate, should be amended by striking out the words "two semi-annual musters in the months of April and October," and inserting the words "an annual company muster in the month of April," to which the committee of the senate disagreed. Then a proposition was made by the committee of the house, that it be recommended to the house of delegates to recede from their disagreement with the senate to the said amendment. It was further proposed by the committee of the house of delegates, that it be also recommended to the house to recede from their 6th and 7th amendments to the amendments of the senate to said bill; in which several propositions the committee of the senate concurred:

Resolved therefore, That the house of delegates recede from their disagreement to the said 19th amendment of the senate, and agree to the same, and recede from their said 6th and 7th amendments to the senate's amendments to said bill; and agree to said amendments without amendment.

It was further proposed by the committee of the house of delegates, that the following amendments be recommended to be adopted by both houses, as necessary and consequential upon the amendments heretofore adopted; in which proposition the committee of the senate concurred:

Amendments proposed by the Committee of Conference to the Bill, entitled "A Bill concerning the Civil Code of Virginia," part I.

1. Page 86, sec. 26, (printed bill, page 85, sec. 27,) strike out to "chapter," in 4th line, (8th line printed bill,) and insert: "The governor shall cause such distribution to be made of the acts and resolutions of the general assembly, as is directed by the 17th." And in line 5, (line 9 of printed bill,) strike out "the governor," and insert "he."

2. Page 94, sec. 20, senate's 15th amendment, strike out all after "capitol," to "direct," inclusive.

3. Same amendment of senate, sec. 21, line 4, strike out the words "of the court of appeals at Lewisburg."

4. Same amendment of senate, sec. 22, line 1, strike out "both the

librarians;" and after "acting," insert "he." At the end of the section add: "He may be allowed by the court not exceeding fifty dollars a year, which shall be paid out of the treasury."

5. Page 96, sec. 4, line 1, (printed bill, page 97, sec. 4, line 2,) after "print," insert "and bind;" and in line 3, (printed bill, line 5,) make "printed" "bound."

6. Page 97, sec. 9, (printed bill, page 98, sec. 11,) strike out this section.

7. Page 98, sec. 10, (printed bill, sec. 12,) line 1, strike out "three," and insert "two."

8. Same page, sec. 11, (printed bill, sec. 13,) strike out this section.

9. Page 116, sec. 30, line 6, (printed bill, page 115, sec. 30, line 9,) make "44th" "43d."

10. Page 125, sec. 17, line 1, (printed bill, page 123, sec. 19, line 2,) make "battalions" "battalion."

11. Page 134, sec. 3, line 6, (printed bill, page 130, sec. 3, line 9,) after "bond," strike out "and," and insert "with."

12. Page 139, sec. 2, line 6, (printed bill, page 135, sec. 2, line 10,) strike out after "shall," to "thereof," inclusive, in 8th line of written bill, and 14th in printed bill, and insert "make his return on the best information he can obtain."

13. Page 155, sec. 15, (printed bill, page 149, sec. 15,) after "enquiry," in 1st line, strike out to "revenue," inclusive, in 2d line written bill, and 3d line of printed bill.

14. Page 164, sec. 58, line 1, (printed bill, page 157, sec. 58, line 2,) strike out "fifty-fourth," and insert "fifty-third."

15. Page 182, sec. 2, (printed bill, page 173, sec. 2,) senate's 22d amendment, strike out all the amendment after "chosen," inclusive, and insert "annually appointed by the governor from each grand division of the state."

16. Page 183, sec. 10, (printed bill, page 174, sec. 10,) line 1, strike out "He," and insert "The treasurer."

17. Page 196, sec. 43, line 3, (printed bill, page 186, sec. 43, committee's amendments, page 40,) line 5 of committee's amendment, after "college," insert "free school or any incorporated academy."

18. Page 218, sec. 3, line 7, (printed bill, page 208, sec. 3, committee's amendments, page 46,) strike out "taxes for which the said real estate is delinquent, and interest thereon, and its proportion of the cost of advertising," and insert "said taxes, interest and commission."

19. Page 218, sec. 4, line 1, (printed bill, page 209, sec. 4, line 1,) strike out "and interest," and insert "interest and commission, and a due proportion of said expense."

20. Same page, sec. 5, line 2 of manuscript, (and 4 of printed bill,) after "aforesaid," insert "and its proportion of said expense;" last line, strike out "and;" and add to the section, "and proportion of expense."

21. Page 223, sec. 24, line 4, (page 213 of printed bill, sec. 24, line 6,) after "the same," insert "and its proportion of the expense of advertising;" same section, lines 10 and 11 of manuscript, and 17 of printed bill, strike out "of the taxes and interest."

22. Page 224, sec. 26, line 4, (printed bill, page 214, sec. 26, lines 6 and 7,) strike out "of the taxes and interest," and insert "so" before "purchased," in 5th line of manuscript, and 7th of printed bill.

23. Page 64, sec. 19, line 2, (printed bill, page 60, sec. 19, lines 3 and 4,) strike out "to be paid out of the excess of sales over expenditures of the institution."

24. Page 72, sec. 3, line 4, (printed bill, page 69, sec. 5, lines 6, 7,) strike out "these revised statutes take," and insert "this act takes."

25. Page 73, sec. 6, (printed bill, page 69, sec. 8,) at the end of section add "therein."

26. Page 73, sec. 10, line 2, (printed bill, page 69, sec. 12, page 14 of committee's amendments, 5th line,) after "blind," "institute" should be "institution."

Resolved, That the foregoing amendments proposed by the committee, be adopted by each house respectively.

The said resolutions were, on questions put thereupon, agreed to by the house.

Ordered, That the clerk inform the senate thereof, and request their concurrence in said amendments.

A bill concerning the Civil Code of Virginia, part IV, was taken up.

A motion was made by Mr. SCOTT to amend the 162d chapter, by striking out the same, and inserting in lieu thereof the following chapter :

"1. All persons who are twenty-one years of age shall be liable to be drawn as jurors, except as hereinafter provided :

"2. The following persons shall be exempted from serving as jurors, to wit : The governor, members of the council of state, the treasurer and other officers of the commonwealth, all judges, all county and special commissioners, clerks of courts, sheriffs and their deputies, coroners, constables, and criers of the courts, sergeants of corporations, marshals of the United States and their deputies, and all other officers of the United States, counsellors and attorneys at law, ministers of the gospel, officers of colleges, and preceptors and teachers of academies and schools, practising physicians, cashiers and officers of incorporated banks, and ferrymen, and all persons who are more than sixty years old.

"3. All members of the fire departments in the City of Richmond, Petersburg, Lynchburg and Norfolk, and the City of Wheeling, shall be exempted from serving as jurors in civil cases.

"4. The county court of each county, and the hustings court of each corporation, shall, as soon after this act goes into effect as may be, and thereafter once at least in every two years, prepare a list of such inhabitants of the county or corporation, not exempted as aforesaid, as they shall think well qualified to serve as jurors, being persons of good moral character, of sound judgment, and free from legal exception, which list shall include not less than one hundred persons.

"5. The list, when so prepared, shall be delivered to the clerk of the court, to be by him safely kept in his office ; and the court may alter it by adding thereto the names of any persons liable to serve, or by striking any names therefrom.

"6. The court shall cause all the names borne on the said list to be written each on a separate paper or ballot, and shall roll up or fold the ballots, so as to resemble each other as near as may be, and so that the name written thereon shall not be visible on the outside, and shall place the ballots in a box to be kept by the clerk for that purpose.

"7. If any person whose name is so placed in the jury box, shall be convicted of any scandalous offence, or be guilty of any gross immorality, his name shall be withdrawn from the box by the court, and he shall not be returned to serve as a juror.

"8. All jurors required to serve on juries for the trial of cases in any circuit court, except cases of felony, shall be selected by drawing ballots from the said box, and the persons whose names are borne on the ballots so drawn, shall be returned to serve as jurors.

"9. When any jurors are to be so drawn, the ballots in the jury box shall be shaken and mixed together, and the presiding justice of the court shall openly draw therefrom as many ballots, without seeing the names written thereon, as shall be equal to the number of jurors required; and if any person so drawn is exempted by law, or is unable, by reason of sickness, absence from home or other cause, to attend as a juror, or if he shall have served as a juror in the circuit court, within one year then next preceding, or if he shall be excused by the court, his name shall be returned into the box, and another shall be drawn in his stead.

"10. When any person is drawn and returned to serve as a juror as aforesaid, the court shall endorse on the ballot the date of the draft, and shall then return it into the box; and whenever there is a revision and renewal of the ballots in the box, the court shall transfer to the new ballots the date of all drafts made within two years then next preceding.

"11. No person shall be liable to serve as a juror in any circuit court oftener than once a year, but he shall not be exempted by reason of having been drawn, unless he shall actually attend and serve as a juror in pursuance of the draft.

"12. The clerks of the several circuit courts shall, in due season, before any term of their respective courts, at which a jury may be wanted, and before the session of the county or corporation courts of their respective counties or corporations, to be holden next preceding the said terms of their respective courts, or at such other times as the respective courts may order, issue writs of *venire facias* for twenty-one jurors, and shall therein require the attendance of the jurors on the first day of the court, or on such other day thereof as the court shall order.

"13. The writs of *venire facias* shall be delivered to the sheriffs or other proper officers of the several counties or corporations, and shall be served on the county or corporation courts of their respective counties or corporations.

"14. It shall be the duty of any county or corporation court, on which such writ shall be served, forthwith to cause the proper number of jurors to be drawn from the box, and a list thereof to be delivered to the officer serving the writ, and it shall be the duty of such officer,

at least five days before the time when the jurors are required to attend, to summon each person who is drawn, to attend the sitting of the court, at the time and place mentioned in the writ, and make due return thereof to the clerk at or before the opening of the court from which it issued.

"15. If in any case there be no session of any county or corporation court holden between the emanation of the writ, and five days before the return thereof, or if for any cause a list of jurors shall not be delivered as aforesaid to the officer serving the writ, the same shall be served on any two justices of the peace of the county or corporation, and it shall be the duty of such justices forthwith to attend at the clerk's office of their county or corporation court, and in the presence of each other, and in the presence of the clerk of such court, to cause to be drawn from the box the proper number of jurors, and a list thereof to be delivered to the officer serving the writ, whose duty it shall be to summon each person who is drawn, and make return of the writ in the manner prescribed in the preceding section.

"16. Nothing contained in the preceding section shall prevent any circuit court from issuing writs of *venire facias* in term time, for additional jurors, or requiring other jurors to be summoned, whenever it shall be found necessary for the convenient dispatch of business; in which case the writ shall be served and returned, and the jurors shall be required to attend on such days as the court shall direct.

"17. On the day when the jurors are summoned to attend at any court, the clerk shall write the name of each one, who shall be in attendance, and not excused, on a separate paper or ballot, and place the same in a box to be kept for that purpose, in the manner prescribed in the sixth section of this chapter.

"18. If any person duly summoned to attend as a juror in any court, shall neglect to attend, without any sufficient excuse, he shall pay a fine not exceeding twenty dollars, which shall be imposed by the court.

"19. If in the opinion of any court, a lesser number of jurors than twenty-one will suffice for the convenient dispatch of the business thereof, it shall be the duty of such court to enter such opinion of record, expressing therein the number of jurors proper to be summoned, and thereafter, until otherwise directed, the *venire facias* shall not require a greater number to be summoned to attend such court.

"20. Any circuit court, when not incompatible with the proper dispatch of its business, shall have power to discharge all persons summoned as jurors therein, or to dispense with their attendance on any day of its sitting.

"21. Juries in civil cases in circuit courts shall consist of seven persons, to be selected by lot from the jury box; but if either party require it, the jury shall consist of twelve persons, to be so selected, except in cases where two juries have been discharged on account of their failure to agree in a verdict.

"22. When by reason of challenge or otherwise, a sufficient number of jurors duly drawn and summoned, cannot be obtained for the trial of any cause, the court shall cause jurors to be returned from the

bystanders, or from the county or corporation at large, and for that purpose may direct the *venire facias* to any fit person, whose duty it shall be to execute and return the same according to the exigency thereof.

"23. The persons so returned shall be such as are qualified and liable to be drawn as jurors according to the provisions of this law.

"24. The court shall, on motion of either party in any suit, examine on oath any person who is called as a juror therein, to know whether he is related to either party, or has any interest in the cause, or has expressed or formed any opinion, or is sensible of any bias or prejudice therein, and the party objecting to the juror may introduce any other competent evidence in support of the objection, and if it shall appear to the court, that the juror does not stand indifferent in the cause, another shall be drawn or called and placed in his stead, for the trial of that cause.

"25. If a party know any objection to a juror, in season to propose it before the trial, and omits to do so, he shall not afterwards be allowed to make the same objection, unless by leave of the court.

"26. No irregularity in any writ of *venire facias*, or in the drawing, summoning, returning or impanneling of jurors, shall be sufficient to set aside a verdict, unless the party making the objection was injured by the irregularity, or unless the objection was made before the swearing of the jury.

"27. If either party, in a case in which a verdict is returned, shall, during the same term of the court, either before or after the trial, give to any of the jurors who shall try the cause, anything by way of treat or gratuity, the court may, on motion of the adverse party, set aside the verdict, and award a new trial of the cause.

"28. When by a neglect of any of the duties required in this chapter to be performed by any of the officers or persons herein mentioned, the jurors to be returned shall not be duly drawn and summoned to attend the court, any person guilty of such neglect, shall pay a fine not exceeding twenty dollars, to be imposed by the court.

"29. Any circuit court may allow a special jury in any case, to be formed in the following manner, viz: a panel shall be made of twenty qualified jurors, free from just cause of exception, from which fifteen shall be chosen by lot; the parties thereupon, beginning with the plaintiff's or the commonwealth's attorney, where the commonwealth is a party, shall alternately strike off one until the number be reduced to seven, which number shall compose the jury for the trial of the case.

"30. Nothing contained in the preceding sections, shall apply to the impanneling of jurors in cases of felonies, but the jurors shall be called, chosen, sworn and impaneled for the trial of every case of felony, according to the chapter concerning juries in such cases.

"31. Every juror summoned to attend any circuit court, shall be entitled to receive one dollar and twenty-five cents per diem for every day he shall actually attend in obedience to such summons, to be allowed by the court, and paid out of the public treasury. But no juror who shall depart, without leave of the court, or being summoned as a witness, shall charge for his attendance as such, shall be entitled to receive any compensation for his services as a jurymen.

"32. If any person shall be guilty of any fraud, either by practising on the jury box, previously to a draft, or in drawing a juror, or in returning into the box the name of any juror which has been lawfully drawn out, and drawing and substituting another in his stead, or in other way in the drawing of jurors, he shall, on conviction thereof, be punished by a fine not exceeding five hundred dollars."

A motion was made by Mr. PERROW to amend the said amendment by inserting in lieu thereof the following chapter:

"Who may serve on juries.

"Sec. 1. Any male citizen of the state, who is of sound mind, aged twenty-one years, who has not been convicted of crime, and is not related to either of the parties to the issue to be tried, and who has made up no opinion in relation to the facts in issue, shall be a competent juror in all civil actions, and to try presentments, indictments and informations, (where the penalty is not death or confinement in the penitentiary,) and to try all offences committed by free negroes.

"Sec. 2. No person shall be compelled to serve on a jury or venire, who is named in the second and third sections of chapter twenty-two. Nor shall the governor of the state, citizens over sixty-five years of age, practising physicians and attorneys, officers of fire companies and officers of any court, be compelled to serve. Nor shall any person be compelled to serve as a petit juror, who has served as such three days in the last twelve months.

"Officers to summon and provide jurors.

"Sec. 3. The sheriff, or other proper officer of any court, where juries are required, shall summon twenty-four jurors to serve on petit juries, to the first day of the term of any court where jury causes are to be tried, and shall provide competent juries for each day of such court, during its session, where required, or until juries may be dispensed with.

"Sec. 4. The jurors so summoned, shall attend; and for failure to do so, may be fined by the court ten dollars for such failure, unless good cause, to be adjudged of by the court, be shewn to the contrary, at that or the next term.

"Juries may be purged.

"Sec. 5. After the panel of the jury to try any civil cause, or presentment, indictment or information, (where the penalty is not death or confinement in the penitentiary,) shall be made out, it shall be submitted to the inspection of the attorneys on both sides of the issue, and the attorney on each side may strike from the panel as many as three of the names thereon, and the proper number shall be made up from the bystanders or from other citizens, qualified as in the first section. The court, for cause shewn, may order any number of the jurors to be stricken from the panel, and others supplied.

"Officers may be fined for not providing juries.

"Sec. 6. If the officer fail to provide a sufficient number of competent jurors, to do the business of the court with sufficient dispatch, or shall summon incompetent jurors, he shall be fined twenty dollars by the court, unless he shew good cause, to be adjudged of by the court, why such fine should not be imposed.

"Jurors to disclose facts.

"Sec. 7. A juror knowing any thing relative to a matter of fact in issue, shall disclose it in open court.

"Sec. 8. Parties to suits between citizens, or in prosecutions where the penalty is pecuniary fine, may waive the trial by jury and submit the law and the fact to the court, whose decision shall have the same force as if a jury had brought in a verdict.

"Courts shall, in certain cases, allow compensation to jurors.

"Sec. 9. When jurors are necessarily detained on the business of the court more than one day, the court sitting shall allow to each juror so detained, for expenses, a sum not exceeding one dollar and fifty cents per diem during such detention, to be certified and paid out of the treasury as other claims and allowances are certified and paid."

A motion was made by Mr. TOMLIN first to perfect the substitute of Mr. SCOTT, by striking out in the first section the words "qualified to vote in the choice of members of the general assembly," and inserting in lieu thereof the words "twenty-one years of age;" and it was agreed to by the house.

A further motion was made by Mr. TOMLIN to amend the said substitute, by striking from the 31st section the words "and paid out of the public treasury," and inserting in lieu thereof the words "and the amount thus necessary shall be chargeable to the county or town, as the case may be, and levied in the same manner as other county or town levies;" and the question being put thereupon, was determined in the affirmative. Ayes 43, noes 41.

On motion of Mr. TURNER, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Smith, Boisseau, Cheatham, Burwell, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Clarke, Howard of Floyd, Claiborne, Edwards of Franklin, Clopton, Major, Darracott, Mullins, Worthington, Thomson of Jefferson, Tomlin, Webb, White, Harrison of Loudoun, Harris, Newman, Coleman, Whittle, Butt, Yerby, Basye, Syme, Townes, Grasty, Herbert, Rives, Strother, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson and Massey—43.

NOES—Messrs. Hart, Watson, Layne of Alleghany, Brown, Mitchell, Faulkner, Byrne of Braxton, Lewis and Gilmer, De Camps, Irvine of Campbell, Irving of Cumberland, Thomas, Scott, Stillman, Sydnor, Baily, Allen, Hiatt, Lancaster, Arnett, Shepard, Clendenin, Tanzey, Beirne of Monroe, Perrow, Booth, Buswell, Turner, Cackley, Harrison of Prince William, Goff, Mayo, Martz, Harper, Aston, Fugate, Pittman, Thompson of Smyth, Burdett, Goodson, Collins and Boyd—41.

The question recurred upon the adoption of the amendment submitted by Mr. PERROW as a substitute for the said amendment, as amended, and was determined in the negative. Ayes 22, noes 61.

On motion of Mr. PERROW, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Boisseau, Cheatham, De Camps, Moncure of Caroline, Howard of Floyd, Sydnor, Lancaster, Whittle, Perrow, Pitts, Turner, Fairfax, Rives, Harrison of Prince William, Goff, Aston, Fugate, Hargrave, Burdett, Goodson and Collins—22.

NOES—Messrs. Finney, Hart, Watson, Smith, Layne of Alleghany, Brown, Mitchell, Burwell, Faulkner, Byrne of Braxton, Lewis and Gilmer, Harrison of Brunswick, Irvine of Campbell, Jones, Barbour, Irving of Cumberland, Clarke, Thomas, Scott, Stillman, Claiborne, Edwards of Franklin, Baily, Clopton, Major, Allen, Darracott, Mullins, Worthington, Thomson of Jefferson, Tomlin, Webb, White, Harrison of Loudoun, Harris, Newman, Arnett, Shepard, Clendenin, Coleman, Tanzey, Beirne of Monroe, Butt, Yerby, Basye, Booth, Buswell, Syme, Townes, Grasty, Cackley, Herbert, Martz, Harper, Pittman, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Nicholson, Massey and Boyd—61.

The question was then put upon adopting the substitute proposed by Mr. SCOTT as amended, and was determined in the negative. Ayes 29, noes 55.

On motion of Mr. SCOTT, the vote was recorded as follows :

AYES—Messrs. Smith, Faulkner, Byrne of Braxton, Lewis and Gilmer, Irvine of Campbell, Barbour, Irving of Cumberland, Thomas, Scott, Stillman, Claiborne, Edwards of Franklin, Clopton, Darracott, Lancaster, Worthington, Thomson of Jefferson, Tomlin, Clendenin, Coleman, Tanzey, Perrow, Butt, Yerby, Booth, Pitts, Syme, Townes, Fairfax and Strother—29.

NOES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Layne of Alleghany, Boisseau, Cheatham, Brown, Mitchell, Burwell, De Camps, Harrison of Brunswick, Moncure of Caroline, Jones, Clarke, Howard of Floyd, Sydnor, Baily, Major, Allen, Hiatt, Mullins, Webb, White, Harrison of Loudoun, Harris, Newman, Shepard, Whittle, Beirne of Monroe, Buswell, Turner, Grasty, Cackley, Herbert, Rives, Harrison of Prince William, Goff, Mayo, Dorman, Martz, Harper, Aston, Fugate, Pittman, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson, Burdett, Massey, Collins and Boyd—55.

The said bill was further amended in the 170th chapter, on motion of Mr. FAULKNER, in the 7th and 8th sections.

A motion was then made by Mr. HIETT to suspend the rule of the house, for the purpose of reconsidering the vote rejecting the substitute of Mr. SCOTT to the 162d chapter; and the question being put thereupon, was determined in the affirmative. Ayes 43, noes 42.

On motion of Mr. BOISSEAU, the vote was recorded as follows :

AYES—Messrs. Smith, Layne of Alleghany, Faulkner, Byrne of Braxton, Lewis and Gilmer, De Camps, Forbes, Barbour, Irving of Cumberland, Thomas, Scott, Stillman, Baily, Carroll, Allen, Hiatt, Darracott, Lancaster, Worthington, Thomson of Jefferson, Tomlin, Arnett, Tanzey, Beirne of Monroe, Perrow, Yerby, Pitts, Buswell, Turner, Syme, Townes, Cackley, Fairfax, Goff, Strother, Dorman, Martz, Harper, Fugate, Thompson of Smyth, Burdett, Goodson, Collins and Boyd—43.

NOES—Messrs. Hopkins, (speaker,) Finney, Watson, Boisseau, Cheatham,

Brown, Mitchell, Burwell, Harrison of Brunswick, Irvine of Campbell, Moncure of Caroline, Jones, Clarke, Howard of Floyd, Claiborne, Edwards of Franklin, Sydnor, Clopton, Major, Mullins, Webb, White, Harrison of Loudoun, Harris, Edmondson, Newman, Shepard, Whittle, Butt, Booth, Grasty, Herbert, Rives, Harrison of Prince William, Mayo, Aston, Pittman, Griffin, Conway, Moncure of Stafford, Hargrave and Massey—42.

The vote was then reconsidered. A motion was then made by Mr. WORTHINGTON to suspend the same rule, for the purpose of reconsidering the vote upon the amendment submitted by Mr. TOMLIN, which prescribed the manner of paying the jurors, and was determined in the affirmative. Ayes 42, noes 41.

On motion of Mr. CONWAY, the vote was recorded as follows :

AYES—Messrs. Watson, Layne of Alleghany, Brown, Faulkner, Byrne of Braxton, Lewis and Gilmer, De Camps, Forbes, Barbour, Irving of Cumberland, Thomas, Scott, Stillman, Baily, Carroll, Allen, Hiatt, Darracott, Lancaster, Worthington, Thomson of Jeffersop, Tomlin, Arnett, M'Donald, Clendenin, Tanzey, Beirne of Monroe, Perrow, Pitts, Buswell, Turner, Townes, Cackley, Fairfax, Goff, Martz, Harper, Aston, Fugate, Thompson of Smyth, Burdett, Goodson, Collins and Boyd—42.

NOES—Messrs. Hopkins, (speaker,) Smith, Boisseau, Cheatham, Mitchell, Burwell, Harrison of Brunswick, Moncure of Caroline, Jones, Clarke, Howard of Floyd, Claiborne, Edwards of Franklin, Sydnor, Clopton, Stovall, Major, Mullins, Webb, White, Harrison of Loudoun, Harris, Edmondson, Newman, Shepard, Whittle, Butt, Yerby, Booth, Grasty, Herbert, Rives, Harrison of Prince William, Strother, Mayo, Pittman, Griffin, Conway, Moncure of Stafford, Hargrave and Massey—41.

With the leave of the house, the said amendment was then withdrawn on motion of Mr. TOMLIN.

The question then recurred upon adopting the said substitute of Mr. SCOTT, and was determined in the negative. Ayes 46, noes 48.

On motion of Mr. RIVES, the vote was recorded as follows :

AYES—Messrs. Layne of Alleghany, Faulkner, Byrne of Braxton, Lewis and Gilmer, De Camps, Irvine of Campbell, Barbour, Irving of Cumberland, Thomas, Scott, Stillman, Baily, Carroll, Allen, Hiatt, Darracott, Bassel, Lancaster, Worthington, Thomson of Jefferson, Tomlin, Arnett, M'Donald, Clendenin, Tanzey, Perrow, Yerby, Booth, Pitts, Buswell, Turner, Syme, Townes, Cackley, Fairfax, Goff, Strother, Mayo, Martz, Harper, Aston, Fugate, Thompson of Smyth, Burdett, Goodson, Collins and Boyd—46.

NOES—Messrs. Hopkins, (speaker,) Finney, Watson, Boisseau, Dillard, Cheatham, Brown, Mitchell, Burwell, Harrison of Brunswick, Forbes, Moncure of Caroline, Cardwell, Jones, Clarke, Howard of Floyd, Claiborne, Edwards of Franklin, Sydnor, Clopton, Maclin of Greenesville, Stovall, Major, Mullins, Webb, White, Harrison of Loudoun, Harris, Edmondson, Newman, Shepard, Whittle, Beirne of Monroe, Butt, Basye, Pannil, Grasty, Herbert, Rives, Harrison of Prince William, Dorman, Pittman, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson and Massey—48.

A motion was made by Mr. PITTS to amend the said 162d chapter, by substituting therefor the following chapter :

“For the more regular enquiry into breaches of penal laws, and trials of matters of fact, in the several courts of justice within this commonwealth by juries :

"1. *Be it enacted by the general assembly, That the sheriff of each county, where a circuit court is appointed to be holden, shall, before every meeting of such court, summon twenty-four of the best discreet freeholders of the county, being citizens of this commonwealth, and not constables, nor ordinary keepers, nor surveyors of highways, nor owners or occupiers of a mill, to appear at the succeeding circuit court, on the first day thereof; and the said twenty-four freeholders, or any sixteen of them, shall be a grand jury, who shall be sworn to enquire of and present all treasons, murders, felonies, or other misdemeanors whatsoever, which shall have been committed or done within the county for which they are impaneled; and, if a sufficient number of the said freeholders should not attend on the first day of the court, the sheriff shall summon from the by-standing freeholders, qualified according to law, a sufficient number to form, together with such of the first mentioned freeholders as do attend, a grand jury.*

"2. The sheriff of each county, and the sergeants of the Cities of Williamsburg, Richmond, and borough of Norfolk, and other corporations within this commonwealth, shall, before every quarterly session of the county or corporation courts respectively, summon twenty-four freeholders of his county or corporation, being citizens of this commonwealth, and not being ordinary keepers, constables, surveyors of highways, or owners or occupiers of a mill, out of which number shall be impaneled a grand jury of sixteen at least, who shall be sworn to enquire into the breach of the penal laws, and make presentment of the offenders. And if a sufficient number of the said freeholders should not attend on the first day of the county or corporation court, the sheriff or sergeant (as the case may be) shall summon from the by-standing freeholders, qualified according to law, a sufficient number to form, together with such of the first mentioned freeholders as do attend, a grand jury: *Provided however, That the inhabitants of any corporate town shall not be grand jurymen for the inferior court of the county in which such corporation shall be.*

"3. An oath, in the following words, shall be administered to the foreman of the grand jury:

"You, as foreman of this inquest, shall diligently enquire into, and true presentment make of all such matters and things, as shall be given you in charge, or otherwise come to your knowledge, touching the present service; you shall present no person through malice, hatred or ill will; nor shall you leave any unrepresented, through fear, favour or affection, or for any reward, hope or promise thereof; but in all your presentments you shall present the truth, the whole truth, and nothing but the truth, according to the best of your skill and understanding. So help you God.

"4. The following oath shall be administered to the other jurors:

"The same oath, that A B, your foreman, hath now taken before you on his part, you and each of you shall well and truly observe and keep, on your respective parts. So help you God.

"5. Every such grand jury for a superior court of law, or for the inferior court of a county or corporation, shall and may present all of-

fences made penal by the laws of this commonwealth, although the recovery of the fines for such offences, shall be otherwise directed by the laws inflicting the same; except only, that no presentment shall be made in a superior court of law, of any offence, where the penalty inflicted by law is less than five dollars.

"6. Every freeholder summoned to appear on a grand jury as aforesaid, and failing to attend, not having a reasonable excuse, shall be fined by the courts respectively, not exceeding eight dollars, unless good cause be shewn to the contrary, at or before the next court, to be paid to the commonwealth, for the use of the Literary fund.

"7. Grand jurors shall be privileged from arrest in all cases, except treason, felony and breaches of the peace, during their attendance at court, coming to and returning from thence, allowing one day for every twenty miles from their places of abode; and all such arrests shall be void.

"8. No grand jury shall make presentment of their own knowledge, upon information of fewer than two of their own body; and when they make any presentment, they shall write at the foot thereof the name and surname of the prosecutor or informer, if there be one, and the name of the town or county in which he shall reside, with his title or profession, for the more effectual prosecution of such presentment. When a presentment shall be made upon the knowledge of two of their own body, the names of the grand jurors giving the information, shall be written at the foot of the presentment; and when a presentment shall be made on the testimony of a witness called on, either by the court or the grand jury, to give testimony concerning the same, the name of such witness shall likewise be written at the foot of the presentment. When the grand jury shall have presented all such matters as come to their knowledge, they shall be discharged.

"9. In case of the sickness, death or non-attendance of any grand juror or grand jurors, after he or they shall be sworn, it shall be lawful for the court to cause others to be sworn in his or their stead.

"10. For the trial of all cases in the superior courts, and in the county and other inferior courts, where a jury may be necessary, the sheriff or other officer attending such courts respectively, shall, every day the court sits, summon a sufficient number of by-standers, or others, qualified as hereinafter is directed, to attend the court that day, that out of them may be impaneled sufficient juries for the trial of causes depending in such courts; and if any person so summoned, shall fail to attend the court accordingly, he shall be fined eight dollars, to be paid to the commonwealth for the use of the Literary fund.

"11. When any superior court of law, during term time, shall deem it necessary to secure the attendance of fit jurors, on any subsequent day of the same term, it shall be lawful for such court to make an order, directing the sheriff or other officer to summon any number of jurors, not exceeding twenty-four, to attend the court on such subsequent day; and if any person so summoned, shall fail to attend the court accordingly, without good cause therefor, he shall, in like manner, pay a fine to the commonwealth of eight dollars, for the benefit of the Literary fund.

" 12. No person shall be capable to be of a petit jury for the trial of treason, felony, breach of the peace, misprision of treason, breach of the penal laws, or any pleas of the commonwealth, or of any estate of freehold, or estate or title in or to lands, tenements or hereditaments, in any court of record in this commonwealth, or to be a juror in any case whatsoever depending in any of the superior courts of the commonwealth, unless such person be a freeholder, and possessed of a visible estate, real or personal, of the value of three hundred dollars at the least. No person shall be capable to be of a jury for the trial of any cause whatsoever, in any county court or other inferior court, unless he be possessed of a visible estate, real or personal, of the value of one hundred and fifty dollars at the least. No person under the age of twenty-one years, shall serve as a juror. No sheriff or other officer shall, at any time, summon or return any juror not qualified as this act directs: *Provided always*, That no exceptions against any juror, on account of his estate, or age, or any other legal disability, shall be allowed after he is sworn.

" 13. *Juries de medietate linguæ* may be directed by the courts respectively.

" 14. Jurors knowing any thing relative to the point in issue, shall disclose the same in open court.

" 15. Any juror guilty of a contempt to the court, may be fined by such court in any sum not exceeding thirty dollars.

" 16. No sheriff shall converse with a juror, but by order of the court, after the jury have retired from the bar.

" 17. If any sheriff shall fail to summon a grand jury, and return a panel of their names as herein directed, he shall forfeit and pay twenty dollars to the commonwealth, for the use of the Literary fund.

" 18. If any juror, upon any inquest whatsoever, shall take any thing, by himself or another, to give his verdict, and shall be thereof convicted, such juror shall not thereafter be put on any jury, and shall pay ten times as much as he shall have taken; whereof one half shall go to him who will sue for the same, and the other half to the commonwealth, for the use of the Literary fund.

" 19. The sheriff of the county of James City, for the time being, and his under sheriffs and deputies, and every of them, shall be and are hereby empowered and authorized to summon jurors of the inhabitants of James City county, in all and every part of the City of Williamsburg, as well in that part lying in the county of York as James City, to serve on juries on the days appointed for holding courts in the said county of James City.

" 20. All and every act and acts, clauses and parts of acts, containing any thing within the purview of this act, shall be and the same are hereby repealed. But all fines or penalties incurred, and all rights and remedies which have accrued under such acts, clauses and parts of acts, shall remain in force, and be recovered as if this act had never been made."

And the question being put upon adopting the said amendment, was determined in the affirmative. Ayes 45, noes 42.

On motion of Mr. PITTS, the vote was recorded as follows :

AYES—Messrs. Watson, Smith, Moncure of Caroline, Jones, Barbour, Scott, Howard of Floyd, Stillman, Baily, Clopton, Carroll, Allen, Hiett, Bassel, Lancaster, Worthington, Thomson of Jefferson, Tomlin, Newman, Arnett, M'Donald, Shepard, Clendenin, Tanzey, Beirne of Monroe, Perrow, Yerby, Basye, Pitts, Buswell, Turner, Syme, Cackley, Fairfax, Rives, Harrison of Prince William, Goff, Aston, Fugate, Thompson of Smyth, Hargrave, Burdett, Goodson, Collins and Boyd—45.

NOES—Messrs. Finney, Layne of Alleghany, Boisseau, Dillard, Cheatham, Brown, Mitchell, Faulkner, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Irvine of Campbell, Cardwell, Irving of Cumberland, Clarke, Thomas, Edwards of Franklin, Sydnor, Maclin of Greenville, Stovall, Major, Mullins, Webb, Harrison of Loudoun, Harris, Whittle, Butt, Booth, Pannill, Townes, Grasty, Herbert, Mayo, Dorman, Martz, Harper, Pittman, Griffin, Conway, Moncure of Stafford, Nicholson and Massey—42.

A motion was made by Mr. WATSON to suspend the rule of the house, for the purpose of reconsidering the vote agreeing to the said amendment, and was determined in the affirmative. Ayes 63, noes 14.

On motion of Mr. YERBY, the vote was recorded as follows :

AYES—Messrs. Finney, Watson, Smith, Layne of Alleghany, Cheatham, Brown, Mitchell, Faulkner, Irvine of Campbell, Moncure of Caroline, Cardwell, Jones, Barbour, Clarke, Scott, Rector, Howard of Floyd, Stillman, Claiborne, Sydnor, Baily, Clopton, Stovall, Major, Hiett, Darracott, Lancaster, Tomlin, Webb, Harrison of Loudoun, Harris, Newman, M'Donald, Clendenin, Tanzey, Beirne of Monroe, Perrow, Yerby, Basye, Booth, Pitts, Buswell, Turner, Townes, Grasty, Fairfax, Harrison of Prince William, Goff, Mayo, Cook, Dorman, Martz, Harper, Aston, Fugate, Pittman, Thompson of Smyth, Conway, Moncure of Stafford, Burdett, Massey, Collins and Boyd—63.

NOES—Messrs. Boisseau, De Camps, Edwards of Franklin, Carroll, Allen, Worthington, Arnett, Whittle, Cackley, Herbert, Rives, Griffin, Nicholson and Goodson—14.

A motion was made by Mr. MAYO to amend the said 162d chapter, by inserting the substitute offered to-day by Mr. SCOTT, with the following additional sections :

“Sec. 33. Juries in county and corporation courts shall be qualified, summoned and impaneled as heretofore.

“Sec. 34. Every county and corporation court, if a majority of the justices thereof be present and concur therein, may order that jurors summoned and attending in such county or corporation court, shall be paid for their attendance and service as such, and in such order fix the amount of such compensation, not exceeding one dollar and fifty cents, and not less than fifty cents per day ; and the amount necessary, under such order, shall be chargeable to the county or town, as the case may be, and levied as other county or town levies.”

A motion was then made by Mr. SMITH, that the house do now adjourn, and it was determined in the negative. Ayes 27, noes 53.

On motion of Mr. SMITH, the vote was recorded as follows :

AYES—Messrs. Watson, Smith, Brown, Irvine of Campbell, Barbour, Irving of Cumberland, Clarke, Rector, Claiborne, Darracott, Lancaster, Wor-

thington, Arnett, M'Donald, Clendenin, Whittle, Perrow, Butt, Pitts, Turner, Herbert, Strother, Dorman, Aston, Pittman, Goodson and Boyd—27.

NOES—Messrs. Finney, Layne of Alleghany, Boisseau, Cheatham, Mitchell, Faulkner, De Camps, Harrison of Brunswick, Moncure of Caroline, Cardwell, Jones, Thomas, Scott, Howard of Floyd, Stillman, Edwards of Franklin, Sydnor, Baily, Clopton, Carroll, Stovall, Major, Allen, Tomlin, Webb, Harrison of Loudoun, Harris, Newman, Tanzey, Beirne of Monroe, Yerby, Booth, Syme, Townes, Grasty, Cackley, Fairfax, Rives, Harrison of Prince William, Goff, Mayo, Cook, Martz, Harper, Thompson of Smyth, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson, Burdett, Massey and Collins—53.

The question was then put upon adopting the amendment submitted by Mr. MAYO, and was determined in the negative. Ayes 31, noes 46.

On motion of Mr. CONWAY, the vote was recorded as follows :

AYES—Messrs. Faulkner, Irvine of Campbell, Barbour, Irving of Cumberland, Thomas, Scott, Allen, Lancaster, Worthington, Arnett, M'Donald, Clendenin, Tanzey, Perrow, Yerby, Booth, Pitts, Buswell, Turner, Syme, Townes, Fairfax, Goff, Strother, Mayo, Cook, Fugate, Thompson of Smyth, Burdett, Goodson and Boyd—31.

NOES—Messrs. Finney, Watson, Layne of Alleghany, Boisseau, Cheatham, Brown, Mitchell, De Camps, Harrison of Brunswick, Moncure of Caroline, Cardwell, Jones, Clarke, Rector, Howard of Floyd, Claiborne, Edwards of Franklin, Sydnor, Clopton, Carroll, Stovall, Major, Tomlin, Webb, Harrison of Loudoun, Harris, Newman, Whittle, Beirne of Monroe, Butt, Grasty, Cackley, Herbert, Rives, Harrison of Prince William, Dorman, Martz, Harper, Pittman, Griffin, Conway, Moncure of Stafford, Hargrave, Nicholson, Massey and Collins—46.

On motion of Mr. IRVINE of Campbell, the house adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, AUGUST 1, 1849.

A bill concerning the Civil Code of Virginia, part IV, was taken up.

On motion of Mr. LAYNE of Alleghany, the 162d chapter was amended in the first section.

A motion was made by Mr. WATSON to amend the said chapter, by substituting therefor the following :

"CHAPTER CLXII.

"OF JURIES GENERALLY.

"§ 1. No person shall be qualified to serve upon a petit jury, in any proceeding, civil or criminal, unless he is over twenty-one years of age, and owns property, real or personal, of the value of one hundred and fifty dollars.

"Who exempt from serving on juries.

"§ 2. The following persons shall be exempt from serving on a jury: The governor of the state, persons over sixty years of age, practising attorneys and physicians, officers of the fire department of a town, officers of any court, and all those mentioned in the second and third sections of chapter 22, as exempt from militia duty, except school commissioners, trustees of free schools, officers of the militia, and officers and members of volunteer companies. No person so exempt shall be compelled to serve, if he object thereto.

"Jurors to be interrogated as to their qualifications.

"§ 3. Every court shall interrogate, under oath, every person summoned before it, to serve on a jury in a case in which defence is made, and shall reject him from the panel if he be not found to be qualified as aforesaid.

"No person to be a juror at any term at which he has a matter of fact pending for trial by jury.

"§ 4. No person shall be admitted to serve as a juror, except in trials for felony, at any term of a court during which he has any matter of fact to be tried by a jury, which shall have been or is expected to be tried during the same term.

"No exception to a juror allowed after he is sworn.

"§ 5. No exception shall be allowed against any juror after he is sworn upon the jury, on account of any legal disability.

"When, by whom and how petit juries are summoned and impaneled.

"§ 6. The sheriff or other officer of any circuit or other court of a county or corporation, shall (unless or except so far as the court shall otherwise order) every day of each term, summon twenty-four persons qualified and not exempt as jurors, to attend the court that day, that out of them may be impaneled juries for the trial of all causes in such court not otherwise provided for.

"§ 7. When any court thinks it necessary, it may order its sheriff or other officer to summon any number of jurors to attend forthwith, or on any subsequent day of the term.

"§ 8. If any sheriff or other proper officer shall fail to summon jurors according to the two preceding sections, or shall knowingly summon persons not qualified to serve, or exempt from serving as jurors, he shall be fined by the court twenty dollars: and if any person so summoned fail to attend accordingly, without sufficient excuse, he shall be fined by the court ten dollars.

"§ 9. The sheriff of the county of James City may summon the inhabitants of said county in any part of the City of Williamsburg, to serve on juries in the said county.

"§ 10. Any court may, except in a case of felony, allow a special jury, which shall be formed as follows: A panel shall be made of twenty-four qualified jurors, free from special cause of challenge, from which eighteen shall be chosen by lot. The parties or their counsel, thereupon, beginning with the plaintiff, shall alternately strike off one from the eighteen so chosen, until the number is reduced to twelve, who shall compose the jury for the trial of the case.

"The trial by jury may be waived, or the number reduced by the consent of parties.

"§ 11. In any case except a case of felony, in which a trial by jury would be otherwise proper, the parties or their counsel, by consent, entered of record, may waive the right to have a jury, and thereupon the whole matter of law and fact, may be heard and determined, and judgment given by the court; or by like consent, the jury may consist of seven; and in that case a verdict shall be as valid and have the same effect as if it had been found by a jury of twelve.

" Views.

"§ 12. The jury may in any case, at the request of either party, be taken to view the premises or place in question, or any property, matter or thing, relating to the controversy between the parties, when it shall appear to the court that such view is necessary to a just decision, provided the party making the motion shall advance a sum sufficient to defray the expenses of the jury and the officers who attend them in taking the view, which expenses shall be afterwards taxed in the costs.

" Conduct of jurors and sheriff.

"§. 13. A juror knowing any thing relative to a fact in issue, shall disclose the same in open court.

"§ 14. After a jury has been impaneled, no sheriff or other officer shall converse with or permit any one else to converse with a juror, unless by leave of court."

On motion of Mr. CONWAY, the question on the amendment was divided, and being put first upon striking out the 162d chapter as amended, was determined in the negative. Ayes 28, noes 62.

On motion of Mr. CONWAY, the vote was recorded as follows:

AYES—Messrs. Watson, Brown, Mitchell, Burwell, Forbes, Cardwell, Irving of Cumberland, Scott, Stillman, Baily, Stovall, Allen, Hiatt, Darracott, Bassel, Mullins, Worthington, Tomlin, Clendenin, Perrow, Pitts, Turner, Strother, Aston, Fugate, Thompson of Smyth, Goodson and Boyd—28.

NOES—Messrs. Hopkins, (speaker,) Finney, Smith, Layne of Alleghany, Boisseau, Dillard, Cheatham, Faulkner, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Clarke, Thomas, Rector, Howard of Floyd, Claiborne, Edwards of Franklin, Sydnor, Clopton, Carroll, Major, Wallace, Houser, Webb, White, Harrison of Loudoun, Harris, Edmondson, Newman, Arnett, Coleman, Whittle, Tanzey, Beirne of Monroe, Butt, Yerby, Booth, Pannill, Buswell, Syme, Townes, Grasty, Cackley, Fairfax, Herbert, Rives, Harrison of Prince William, Mayo, Cook, Dorman, Martz, Harper, Pittman, Conway, Moncure of Stafford, Hargrave, Nicholson, George and Massey—62.

By refusing to strike out, the house thereby refused to adopt the said amendment proposed by Mr. WATSON.

The question was then put upon engrossing the bill as amended and ordering it to be read a third time, and was determined in the affirmative. Ayes 80, noes 8.

On motion of Mr. PITTS, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Watson, Smith, Layne of Alleghany, Boisseau, Dillard, Cheatham, Brown, Mitchell, Burwell, Faulkner, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Forbes, Moncure of Caroline, Cardwell, Jones, Irving of Cumberland, Clarke, Thomas, Scott, Rector, Howard of Floyd, Stillman, Claiborne, Edwards of Franklin, Sydnor, Baily, Clopton, Maclin of Greenville, Stovall, Major, Allen, Darracott, Mullins, Thomson of Jefferson, Wallace, Houser, Webb, White, Harrison of Loudoun, Harris, Edmondson, Newman, Arnett, Shepard, Coleman, Whittle, Tanzey, Beirne of Monroe, Perrow, Butt, Yerby, Booth, Pannill, Buswell, Turner, Syme, Townes, Grasty, Cackley, Fairfax, Herbert, Rives, Harrison of Prince William, Mayo, Cook, Dorman, Martz, Fugate, Pittman, Thompson of Smyth, Conway, Moncure of Stafford, Hargrave, Nicholson, Massey and Boyd—80.

NOES—Messrs. Hiett, Worthington, Tomlin, Clendenin, Pitts, Aston, George and Goodson—8.

On motion of Mr. RIVES, leave of absence from the service of the house for the remainder of the session from and after to-day was granted to Mr. Griffin.

On motion of Mr. CONWAY, a bill entitled "an act concerning the Civil Code of Virginia," part II, with the amendments thereto proposed by the senate, was taken up, and the said amendments having been read,

The first amendment was agreed to; the second amendment was amended on motion of Mr. STOVALL, and as amended agreed to.

The third amendment of the senate proposed to strike out the 35th section of the 49th chapter, and insert in lieu thereof the following:

"Slaves shall not be distrained or levied *upon* when there are other goods and chattels of the party who ought to pay the money to be collected, sufficient for the purpose, which are shewn to the officer, and which it is in his power to take, and the officer shall in no case make an unreasonable distress or levy."

The said amendment was amended on motions of Mr. STOVALL, by inserting after the word "upon" the words "without the debtor's consent," and by striking out the words "the party who ought to pay the money to be collected."

And the question being put upon the amendment as amended, was determined in the affirmative. Ayes 61, noes 19.

On motion of Mr. RIVES, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Hart, Layne of Alleghany, Boisseau, Dillard, Cheatham, Brown, Mitchell, Faulkner, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Cardwell, Jones, Clarke, Rector, Howard of Floyd, Edwards of Franklin, Baily, Clopton, Carroll, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Darracott, Hoesser, Tomlin, Webb, White, Harris, Edmondson, Newman, Shepard, Tanzey, Beirne of Monroe, Perrow, Buswell, Turner, Townes, Cackley, Fairfax, Herbert, Rives, Harrison of Prince William, Strother, Mayo, Dorman, Martz, Fugate, Pittman, Thompson of Smyth, Hargrave, Nicholson, Burdett, George, Massey, Collins and Boyd—61.

NOES—Messrs. Watson, Smith, Irving of Cumberland, Thomas, Scott, Stillman, Worthington, Thomson of Jefferson, Harrison of Loudoun, Cleadenin, Coleman, Whittle, Butt, Yerby, Basye, Booth, Grasty, Conway, and Moncure of Stafford—19.

The fourth, fifth, sixth and seventh amendments of the senate were severally agreed to.

The eighth amendment of the senate was amended on motion of Mr. DORMAN, and as amended agreed to.

The ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and fifteenth amendments were severally agreed to.

The fifteenth section of the 66th chapter is the following:

"In every company, to the stock of which the board has subscribed or may subscribe on behalf of the state, the said board shall appoint such portion of the directors as shall bear to the whole number of the directors of such company the same proportion as nearly as possible that the stock held on behalf of the state in such company bears to the whole capital stock thereof. *Where the stock held on behalf of the state in a company is more than two fifths of the whole capital stock thereof, an appointment shall not be made under this section, but the state shall vote in the election of directors in such company in the general meetings of stockholders.*"

The sixteenth amendment of the senate proposed to strike from the said section the words in *italics*.

A motion was made by Mr. BOYD to amend the said amendment by substituting for the words proposed to be stricken out the following:

"When the stock held by the state in a company exceeds two fifths of the whole capital stock of such company, an appointment of directors, on the part of the state, to the extent of two fifths of such directors, shall be made under this section. And the residue of the stock of the state in the company beyond the said two fifths shall be represented in all meetings of the stockholders of such company in like manner as the stock of other shareholders."

And the question being put upon the said amendment to the amendment, was determined in the negative. Ayes 22, noes 61.

On motion of Mr. RIVES, the vote was recorded as follows:

AYES—Messrs. Hart, Watson, Smith, Mitchell, Irving of Cumberland, Thomas, Scott, Howard of Floyd, Stillman, Claiborne, Stovall, Darracott,

Harrison of Loudoun, Booth, Pitts, Townes, Strother, Thompson of Smyth, Moncure of Stafford, Goodson, Collins and Boyd—22.

NOES—Messrs. Hopkins, (speaker,) Finney, Layne of Alleghany, Dillard, Cheatham, Brown, Burwell, Faulkner, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Forbes, Cardwell, Rector, Edwards of Franklin, Baily, Clopton, Carroll, Maclin of Greenville, Major, Allen, Hiett, Bassel, Mullins, Worthington, Thomson of Jefferson, Houser, Tomlin, Webb, Edmondson, Newman, Shepard, Clendenin, Coleman, Whittle, Tanzey, Beirne of Monroe, Butt, Yerby, Buswell, Turner, Syme, Grasty, Cackley, Fairfax, Herbert, Rives, Harrison of Prince William, Mayo, Dorman, Martz, Harper, Aston, Fugate, Pittman, Conway, Hargrave, Nicholson, Burdett, George and Massey—61.

A motion was then made by Mr. **PITTS**, to disagree to the amendment of the senate, and thereupon Mr. **RIVES** demanded that the main question be now put, and it was not sustained by the house. **Ayes 39, noes 48.**

On motion of Mr. **GOODSON**, the vote was recorded as follows:

AYES—Messrs. Layne of Alleghany, Dillard, Cheatham, Brown, De Camps, Harrison of Brunswick, Moncure of Caroline, Cardwell, Jones, Clarke, Edwards of Franklin, Clopton, Carroll, Maclin of Greenville, Major, Hiett, Bassel, Mullins, Webb, White, Edmondson, Newman, Shepard, Coleman, Tanzey, Butt, Yerby, Booth, Buswell, Cackley, Herbert, Rives, Harrison of Prince William, Dorman, Martz, Pittman, Conway, Hargrave and Massey—39.

NOES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, Mitchell, Burwell, Faulkner, Byrne of Braxton, Lewis and Gilmer, Forbes, Irving of Cumberland, Thomas, Scott, Rector, Howard of Floyd, Stillman, Claiborne, Stevall, Darracott, Worthington, Thomson of Jefferson, Houser, Tomlin, Harrison of Loudoun, Harris, Clendenin, Whittle, Beirne of Monroe, Perrow, Pitts, Turner, Syme, Townes, Grasty, Fairfax, Strother, Mayo, Harper, Aston, Fugate, Thompson of Smyth, Moncure of Stafford, Nicholson, Burdett, George, Goodson, Collins and Boyd—48.

On motion of Mr. **STOVALL**, the house then adjourned until to-morrow morning 9 o'clock.

THURSDAY, AUGUST 2, 1849.

A communication from the senate by their clerk was read as follows:

IN SENATE, AUGUST 1, 1849.

The senate have agreed to the report of the committee of conference, on the subjects of disagreement between the two houses on the bill, entitled "an act concerning the Civil Code of Virginia," part I.

Mr. **MONCURE** of Stafford, from the committee of revision, presented a bill concerning the Code of Virginia, part V.

A bill, entitled "an act concerning the Civil Code of Virginia," part II, with the amendments thereto proposed by the senate, was taken up.

The 16th amendment which proposed to strike out the last clause of the 15th section of the 66th chapter, which was under considera-

tion when the house adjourned on yesterday, was again considered, and the question being put upon the motion then made by Mr. PRYOR to disagree to said amendment, was determined in the negative. Ayes 30, noes 59.

On motion of Mr. SYME, the vote was recorded as follows:

AYES—Messrs. Watson, Byrne of Braxton, Lewis and Gilmer, Irving of Cumberland, Thomas, Scott, Howard of Floyd, Stillman, Clopton, Stovall, Darracott, White, Harrison of Loudoun, Arnett, Shepard, Whittle, Perrow, Booth, Pitts, Syme, Townes, Grasty, Strother, Mayo, Martz, Fugate, Thompson of Smyth, Moncure of Stafford, Burdett, Goodson and Collins—30.

NOES—Messrs. Hopkins, (speaker,) Finney, Smith, Layne of Alleghany, Boisseau, Dillard, Cheatham, Brown, Mitchell, Burwell, Faulkner, Harrison of Brunswick, Forbes, Moncure of Caroline, Jones, Clarke, Rector, Edwards of Franklin, Sydnor, Baily, Carroll, Maclin of Greenville, Major, Allen, Hiatt, Bassel, Mullins, Worthington, Thomson of Jefferson, Wallace, Tomlin, Webb, Harris, Edmondson, Newman, M'Donald, Coleman, Tanzey, Butt, Cowper, Yerby, Pannill, Buswell, Turner, Cackley, Fairfax, Herbert, Rives, Harrison of Prince William, Cook, Dorman, Harper, Aston, Conway, Hargrave, Nicholson, George, Massey and Boyd—59.

By refusing to disagree, the house thereby agreed to the same.

A motion was then made by Mr. HARPER to suspend the rule of the house for the purpose of reconsidering the said vote, and it was determined in the negative. Ayes 30, noes 56.

On motion of Mr. EDWARDS of Franklin, the vote was recorded as follows:

AYES—Messrs. Watson, Smith, Byrne of Braxton, Lewis and Gilmer, Irving of Cumberland, Thomas, Scott, Howard of Floyd, Claiborne, Stovall, Darracott, White, Harrison of Loudoun, Arnett, Shepard, Whittle, Pitts, Buswell, Syme, Townes, Grasty, Strother, Mayo, Martz, Harper, Fugate, Thompson of Smyth, Moncure of Stafford, Burdett, Goodson and Collins—30.

NOES—Messrs. Hopkins, (speaker,) Finney, Layne of Alleghany, Boisseau, Dillard, Cheatham, Brown, Mitchell, Burwell, Faulkner, De Camps, Harrison of Brunswick, Moncure of Caroline, Jones, Clarke, Rector, Stillman, Edwards of Franklin, Sydnor, Baily, Clopton, Carroll, Maclin of Greenville, Major, Allen, Hiatt, Bassel, Worthington, Thomson of Jefferson, Wallace, Houser, Tomlin, Webb, Harris, Edmondson, Newman, M'Donald, Tanzey, Butt, Cowper, Yerby, Booth, Pannill, Turner, Cackley, Fairfax, Herbert, Rives, Harrison of Prince William, Cook, Aston, Conway, Hargrave, Nicholson, George and Boyd—56.

The seventeenth, eighteenth, nineteenth, twentieth, twenty-first, twenty-second and twenty-third amendments were severally agreed to.

The 79th chapter, section 6th, provides: "Second. To the University of Virginia, fifteen thousand dollars, subject, however, to the reservation, under laws now in force, of such portion thereof as may be required to meet any liability incurred by the Literary fund on account of the university, and also of such other portions thereof as the legislature may, at any time hereafter, direct to be applied to the payment of the principal or interest of loans heretofore made to the university from the Literary fund, or from other sources; and for the payment of which loans, the said annuity of fifteen thousand dollars has been or shall be pledged in pursuance of any act heretofore or hereafter passed."

The twenty-fourth amendment of the senate proposed to add at the end of the said clause the following :

"But this annuity is not to be paid unless the said institution, during its continuance, shall educate thirty-two young men, (above the age of seventeen,) one from each senatorial district, if there be applicants, and if not, from the state at large, without charge for tuition, board, use of the library, laboratories, lecture rooms, public halls or dormitories ; to be selected by the visitors and faculty, with reference to the character and capacity of the applicant, and the inability of the parent or pupil to furnish the means of education, upon such testimonials as may be presented."

A motion was made by Mr. STOVALL to disagree to the said amendment, and it was determined in the negative. Ayes 26, noes 62.

On motion of Mr. RIVES, the vote was recorded as follows :

AYES—Messrs. Watson, Layne of Alleghany, Dillard, Brown, Burwell, Irving of Cumberland, Scott, Stillman, Sydnor, Stovall, Wallace, Tomlin, Harrison of Loudoun, Harris, Shepard, Whittle, Yerby, Booth, Strother, Mayo, Cook, Conway, Moncure of Stafford, Massey, Goodson and Boyd—26.

NOES—Messrs. Hopkins, (speaker,) Smith, Boisseau, Cheatham, Mitchell, Faulkner, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Forbes, Moncure of Caroline, Cardwell, Jones, Clarke, Thomas, Howard of Floyd, Claiborne, Edwards of Franklin, Baily, Clopton, Carroll, Maclin of Greenville, Major, Allen, Hiett, Bassel, Worthington, Thomson of Jefferson, Houser, Webb, Edmondson, Newman, Arnett, M'Donald, Coleman, Tanzey, Butt, Cowper, Pitts, Pannill, Buswell, Turner, Hiner, Syme, Townes, Grasty, Cackley, Fairfax, Herbert, Rives, Harrison of Prince William, Dorman, Martz, Harper, Aston, Fugate, Pittman, Thompson of Smith, Hargrave, Nicholson, George and Collins—62.

By refusing to disagree, the house thereby agreed to the said twenty-fourth amendment.

The twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-second, thirty-third and thirty-fourth amendments, were severally agreed to.

The 1st section of the 88th chapter provides, that inspectors may be appointed for flour and certain other commodities, and that "*such appointment may be annually, in September or October, for any corporation, by the court thereof, and by the court of any county, for so much of the county as is without a corporation having a court.*" The same person may be appointed inspector of two or more of said commodities," &c.

The thirty-fifth amendment of the senate proposed to strike from the said section the words in *italics*, and insert in lieu thereof, "shall be made annually in September or October by the governor, for the several counties and towns in which it may be necessary to appoint such inspectors."

A motion was made by Mr. STROTHER to disagree to said amendment, and it was determined in the affirmative. Ayes 48, noes 44.

On motion of Mr. PERROW, the vote was recorded as follows :

AYES—Messrs. Finney, Watson, Smith, Boisseau, Mitchell, Burwell, Faulkner, Byrne of Braxton, Lewis and Gilmer, De Camps, Forbes, Cardwell,

Jones, Irving of Cumberland, Clarke, Thomas, Scott, Rector, Heward of Floyd, Stillman, Clopton, Darracott, Worthington, Thomson of Jefferson, Wallace, Tomlin, Webb, White, Harrison of Loudoun, Shepard, Whittle, Perrow, Cowper, Yerby, Booth, Pitts, Turner, Syme, Townes, Grasty, Fairfax, Strother, Mayo, Dorman, Aston, Conway, Moncure of Stafford, Burdett and Boyd—48.

NOES—Messrs. Hopkins, (speaker,) Layne of Alleghany, Dillard, Cheatham, Brown, Harrison of Brunswick, Moncure of Caroline, Claiborne, Edwards of Franklin, Sydnor, Baily, Carroll, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Bassel, Houser, Harris, Edmondson, Newman, Arnett, McDonald, Coleman, Tanzey, Butt, Pannill, Buswell, Hiner, Cackley, Herbert, Rives, Harrison of Prince William, Cook, Martz, Harper, Fugate, Pittman, Hargrave, Nicholson, George, Goodson and Collins—44.

The thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth and fortieth amendments were severally disagreed to.

The thirty-seventh section of the eighty-eighth chapter provides, that "Inspectors of the several commodities hereinbefore mentioned, and cullers of lumber, shall have the following fees: For each barrel of flour, corn meal or bread, two cents."

The forty-first amendment of the senate proposed to insert after the word "flour," the words "inspected at Richmond, one cent, and at all other places two cents; on each barrel of."

A motion was made by Mr. HERBERT that the house disagree to said amendment, and it was determined in the negative. Ayes 39, noes 43.

On motion of Mr. MAJOR, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Smith, Byrne of Braxton, Lewis and Gilmer, De Camps, Jones, Clarke, Thomas, Scott, Rector, Stillman, Sydnor, Clopton, Stovall, Bassel, Worthington, Thomson of Jefferson, Tomlin, Webb, White, Harris, Perrow, Cowper, Yerby, Booth, Syme, Townes, Grasty, Herbert, Rives, Harrison of Prince William, Strother, Mayo, Dorman, Pittman, Thompson of Smyth, Moncure of Stafford, Massey and Boyd—39.

NOES—Messrs. Watson, Layne of Alleghany, Boisseau, Dillard, Cheatham, Brown, Mitchell, Burwell, Harrison of Brunswick, Forbes, Moncure of Caroline, Irving of Cumberland, Howard of Floyd, Edwards of Franklin, Carroll, Major, Allen, Hiatt, Darracott, Houser, Harrison of Loudoun, Newman, McDonald, Shepard, Coleman, Whittle, Tanzey, Butt, Pitts, Pannill, Buswell, Hiner, Cackley, Fairfax, Cook, Martz, Harper, Aston, Fugate, Hargrave, Burdett, George and Goodson—43.

By refusing to disagree, the house thereby agreed to said amendment.

The forty-second and forty-third amendments of the senate were then agreed to.

The forty-fourth amendment of the senate was disagreed to.

The forty-fifth, forty-sixth and forty-seventh amendments were agreed to.

The forty-eighth amendment of the senate was amended on motions of Mr. JONES, and as amended agreed to by the house.

The forty-ninth, fiftieth and fifty-first amendments were severally agreed to.

The fifty-second amendment was disagreed to on motion of Mr. STOVALL.

The fifty-third amendment was amended on motions of Messrs. SHEPARD, and MONCURE of Stafford, and as amended agreed to by the house.

The fifty-fourth, fifty-fifth, fifty-sixth, fifty-seventh, fifty-eighth, fifty-ninth and sixtieth amendments were also agreed to.

Ordered, That the clerk inform the senate of the action of the house upon their said amendments, and request their concurrence in the house amendments thereto.

An engrossed bill concerning the Civil Code of Virginia, part IV, was read a third time and passed.

Ordered, That the clerk communicate said bill to the senate and request their concurrence.

A motion was made by Mr. WHITTLE, that when the house adjourns to-day it will adjourn until Saturday morning 9 o'clock.

And then, on motion of Mr. JONES, the house adjourned until to-morrow morning 9 o'clock.

FRIDAY, AUGUST 3, 1849.

A motion was made by Mr. SYME, that this house do now adjourn, and it was determined in the affirmative. Ayes 48, noes 35.

On motion of Mr. EDWARDS of Franklin, the vote thereon was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, Faulkner, Lacy, Jones, Thomas, Scott, Rector, Howard of Floyd, Claiborne, Stovall, Major, Darracott, Worthington, Thomson of Jefferson, Houser, Tomlin, Webb, Ferguson, White, Harris, Edmondson, Arnett, Clendenin, Whittle, Perrow, Robinson, Butt, Cowper, Yerby, Booth, Pitts, Turner, Syme, Grasty, Strother, Mayo, Cook, Dorman, Aston, Pittman, Thompson of Smyth, Massey, Goodson and Boyd—48.

NOES—Messrs. Layne of Alleghany, Boisseau, Dillard, Cheatham, Brown, Mitchell, De Camps, Harrison of Brunswick, Moncure of Caroline, Cardwell, Barbour, Clarke, Edwards of Franklin, Sydnor, Baily, Clopton, Carroll, Maclin of Greenville, Allen, Bassel, Mullins, Wallace, Harrison of Loudoun, Newman, Coleman, Tanzey, Hiner, Cackley, Herbert, Rives, Harrison of Prince William, Martz, Hargrave, Nicholson and George—35.

And then the house adjourned until to-morrow morning 9 o'clock.

SATURDAY, AUGUST 4, 1849.

A communication from the senate, by their clerk, was read as follows:

IN SENATE, AUGUST 3, 1849.

The senate agree to the amendments proposed by the house of delegates to their amendments to the bill, entitled "an act concerning the Civil Code of Virginia," part II.

They insist on their thirty-fifth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth and fortieth amendments to the bill, entitled "an act concerning the Civil Code of Virginia," part II, to which the house of delegates disagreed.

And have receded from their forty-fourth amendment to the said bill, to which the house of delegates disagreed.

The said 35th amendment proposed to strike from the 1st section of the 88th chapter, the following words: "may be annually in September or October for any corporation, by the court thereof, and by the court of any county for so much of the county as is without a corporation having a court," and insert in lieu thereof the words: "shall be made annually in September or October, by the governor for the several counties and towns, in which it may be necessary to appoint such inspectors," so as to cause the section to read: "Inspectors may be appointed of any of the following commodities, to wit, flour, corn meal, bread, salt, fish, pork, beef, tar, pitch, turpentine, lumber, lime, hemp, butter or lard. Such appointment shall be made annually in September or October, by the governor for the several counties and towns in which it may be necessary to appoint such inspectors. The same person may be appointed inspector of two or more of said commodities," &c.

To this amendment the house of delegates disagreed, and the senate insisted thereon.

A motion was made by Mr. FERGUSON that the house recede from its disagreement; and the same being under discussion, a motion was made by Mr. MULLINS that the main question be now put, and it was sustained by the house. Ayes 56, noes 45.

On motion of Mr. PITTS, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Layne of Alleghany, Boisseau, Dillard, Cheatham, Brown, Mitchell, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Moncure of Campbell, Jones, Vaughan, Edwards of Franklin, Sydnor, Baily, Clopton, Carroll, Maclin of Greeneville, Stovall, Major, Allen, Hiett, Mullins, Houser, Tomlin, Harris, Edmondson, Newman, M'Donald, Shepard, Tanzey, Robinson, Butt, Cowper, Yerby, Basye, Booth, Buswell, Hiner, Cackley, Fairfax, Herbert, Rives, Harrison of Prince William, Cook, Martz, Harper, Fugate, Pittman, Conway, Moncure of Stafford, Hargrave, Nicholson, George and Massey—56.

NOES—Messrs. Finney, Hart, Watson, Smith, M'Cue, Sheffey, Burwell, Faulkner, Forbes, Irvine of Campbell, Lacy, Cardwell, Irving of Cumberland, Clarke, Thomas, Scott, Rector, Howard of Floyd, Stillman, Darracott, Bassel, Thomson of Jefferson, Wallace, Webb, Ferguson, White, Harrison of Loudoun, Arnett, Clendenin, Whittle, Perrow, Pitts, Turner, Syme, Townes, Grasty, Strother, Mayo, Dorman, Aston, Thompson of Smyth, Burdett, Goodson, Collins and Boyd—45.

The question was then put upon receding from the disagreement of the house to the said amendment of the senate, and it was determined in the affirmative. Ayes 51, noes 47.

On motion of Mr. CONWAY, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Layne of Alleghany, Boisseau, Dillard, Cheatham, Brown, De Camps, Harrison of Brunswick, Moncure of Caroline,

Jones, Edwards of Franklin, Sydnor, Baily, Carroll, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Bassel, Mullins, Houser, Ferguson, Harris, Edmondson, Newman, Arnett, M'Donald, Tanzey, Robinson, Butt, Basye, Buswell, Hiner, Cackley, Fairfax, Herbert, Rives, Harrison of Prince William, Cook, Martz, Harper, Fugate, Pittman, Conway, Hargrave, Nicholson, George, Massey, Goodson and Collins—51.

NOES—Messrs. Finney, Hart, Watson, Smith, M'Cue, Sheffey, Mitchell, Burwell, Faulkner, Byrne of Braxton, Lewis and Gilmer, Forbes, Lacy, Cardwell, Irving of Cumberland, Vaughan, Clarke, Scott, Rector, Howard of Floyd, Stillman, Clopton, Darracott, Thomson of Jefferson, Wallace, Tomlin, Webb, White, Harrison of Loudoun, Shepard, Clendenin, Whittle, Perrow, Cowper, Yerby, Booth, Turner, Syme, Townes, Grasty, Strother, Mayo, Dorman, Aston, Thompson of Smyth, Moncure of Stafford, Burdett and Boyd—47.

A motion was made by Mr. WHITTLE to amend the said amendment of the senate by substituting therefor the following :

"Shall be made annually in September or October by the governor upon the recommendation of the court of the county or corporation in which the place of inspection is situated."

And the question being put upon said amendment, was determined in the negative. Ayes 50, noes 50.

On motion of Mr. MAJOR, the vote was recorded as follows :

AYES—Messrs. Finney, Watson, Smith, M'Cue, Sheffey, Mitchell, Burwell, Faulkner, Forbes, Irvine of Campbell, Lacy, Cardwell, Jones, Irving of Cumberland, Vaughan, Clarke, Thomas, Scott, Rector, Howard of Floyd, Stillman, Clopton, Stovall, Darracott, Thomson of Jefferson, Wallace, Tomlin, Webb, White, Harrison of Loudoun, Shepard, Clendenin, Whittle, Perrow, Cowper, Yerby, Booth, Turner, Syme, Townes, Grasty, Strother, Mayo, Cook, Dorman, Aston, Thompson of Smyth, Moncure of Stafford, Burdett and Boyd—50.

NOES—Messrs. Hopkins, (speaker,) Hart, Layne of Alleghany, Boisseau, Dillard, Cheatham, Brown, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Moncure of Caroline, Edwards of Franklin, Sydnor, Baily, Carroll, Maclin of Greenville, Major, Allen, Hiatt, Bassel, Mullins, Houser, Ferguson, Harris, Edmondson, Newman, Arnett, M'Donald, Tanzey, Robinson, Butt, Basye, Buswell, Hiner, Cackley, Fairfax, Herbert, Rives, Harrison of Prince William, Martz, Harper, Fugate, Pittman, Conway, Hargrave, Nicholson, George, Massey, Goodson and Collins—50.

A motion was made by Mr. HART to amend the amendment of the senate by striking it out, and inserting in lieu thereof the following :

"Shall be made annually in September or October by the governor, upon the recommendation of three suitable persons by the court of the county in which the place of inspection is situated."

A motion was then made by Mr. FERGUSON to amend the senate's amendment prior to striking out, by striking out the words "counties and towns," and inserting in lieu thereof the words "cities and towns, and by the courts of the several counties;" and the question being put thereupon, was determined in the negative. Ayes 45, noes 50.

On motion of Mr. MAJOR, the vote was recorded as follows :

AYES—Messrs. Layne of Alleghany, Boisseau, Dillard, Cheatham, Brown, De Camps, Harrison of Brunswick, Lacy, Edwards of Franklin, Sydnor, Baily, Carroll, Maclin of Greenville, Stovall, Major, Allen, Hiatt, Bassel, Mullins,

Ferguson, Harris, Edmondson, Newman, M'Donald, Shepard, Tanzey, Robinson, Butt, Basye, Buswell, Hiner, Cackley, Fairfax, Herbert, Harrison of Prince William, Cook, Martz, Harper, Fugate, Pittman, Hargrave, George, Massey, Goodson and Collins—45.

NOES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, M'Cae, Sheffey, Mitchell, Burwell, Faulkner, Byrne of Braxton, Lewis and Gilmer, Forbes, Moncure of Caroline, Cardwell, Jones, Irving of Cumberland, Scott, Rector, Howard of Floyd, Stillman, Clopton, Darracott, Thomson of Jefferson, Houser, Tomlin, Webb, White, Harrison of Loudoun, Arnett, Clendenin, Whittle, Perrow, Cowper, Yerby, Booth, Turner, Syme, Townes, Grasty, Rives, Strother, Mayo, Dorman, Aston, Thompson of Smyth, Conway, Moncure of Stafford, Nicholson, Burdett and Boyd—50.

The question was then put upon the amendment submitted by Mr. HART, and was determined in the affirmative. Ayes 52, noes 43.

On motion of Mr. MAJOR, the vote was recorded as follows:

AYES—Messrs. Finney, Hart, Watson, Smith, Boisseau, M'Cue, Sheffey, Mitchell, Burwell, Faulkner, Byrne of Braxton, Lewis and Gilmer, Forbes, Irvine of Campbell, Lacy, Cardwell, Jones, Irving of Cumberland, Vaughan, Clarke, Scott, Rector, Howard of Floyd, Stillman, Clopton, Darracott, Thomson of Jefferson, Tomlin, Webb, White, Harrison of Loudoun, Shepard, Clendenin, Perrow, Cowper, Yerby, Booth, Turner, Syme, Townes, Grasty, Rives, Strother, Mayo, Cook, Dorman, Aston, Thompson of Smyth, Moncure of Stafford, Nicholson, Burdett, Massey and Boyd—52.

NOES—Messrs. Hopkins, (speaker,) Layne of Alleghany, Dillard, Cheatham, Brown, De Camps, Harrison of Brunswick, Moncure of Caroline, Edwards of Franklin, Sydnor, Baily, Carroll, Maclin of Greenville, Major, Hiatt, Bassel, Mullins, Houser, Ferguson, Harris, Edmondson, Newman, Arnett, M'Donald, Tanzey, Robinson, Butt, Basye, Buswell, Hiner, Cackley, Fairfax, Herbert, Harrison of Prince William, Martz, Harper, Fugate, Pittman, Conway, Hargrave, George, Goodson and Collins—43.

The question was then put upon agreeing to the said amendment of the senate as amended, and was determined in the affirmative. Ayes 56, noes 42.

On motion of Mr. MULLINS, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, Boisseau, M'Cue, Sheffey, Brown, Mitchell, Burwell, Faulkner, Byrne of Braxton, Lewis and Gilmer, Forbes, Irvine of Campbell, Lacy, Cardwell, Jones, Irving of Cumberland, Vaughan, Clarke, Scott, Rector, Howard of Floyd, Stillman, Clopton, Darracott, Thomson of Jefferson, Tomlin, Webb, White, Harrison of Loudoun, Shepard, Clendenin, Whittle, Perrow, Cowper, Yerby, Booth, Pitts, Turner, Syme, Townes, Grasty, Fairfax, Rives, Strother, Mayo, Dorman, Aston, Thompson of Smyth, Moncure of Stafford, Nicholson, Burdett, Massey and Boyd—56.

NOES—Messrs. Layne of Alleghany, Dillard, Cheatham, De Camps, Harrison of Brunswick, Moncure of Caroline, Edwards of Franklin, Sydnor, Baily, Carroll, Maclin of Greenville, Major, Allen, Hiatt, Bassel, Mullins, Houser, Ferguson, Harris, Edmondson, Newman, Arnett, M'Donald, Tanzey, Robinson, Butt, Basye, Buswell, Hiner, Cackley, Herbert, Harrison of Prince William, Cook, Martz, Harper, Fugate, Pittman, Conway, Hargrave, George, Goodson and Collins—42.

The 36th amendment of the senate, to which the house disagreed and the senate insisted, was again read, and on motion of Mr. FERGUSON, the house receded from its disagreement, and agreed to the same.

The 37th amendment of the senate, to which the house in like manner disagreed and the senate insisted, being read, on motion of Mr. FERGUSON, the house receded from its disagreement; the same was then amended on motion of Mr. SHEFFEY, and as amended agreed to by the house.

The 38th amendment of the senate was again read, and on motion of Mr. SHEFFEY, the house insisted on its disagreement thereto.

On motion of Mr. LACY, the house in like manner insisted on its disagreement to the senate's 39th amendment, and on motion of Mr. SHEFFEY, it also insisted on its disagreement to the senate's 40th amendment.

Ordered, That the clerk inform the senate thereof and request their concurrence in the amendments of the house to the said 35th and 37th amendments of the senate to said bill.

A bill concerning the Code of Virginia, part V, was read the first, and ordered to be read a second time.

On motion of Mr. STOVALL, the house adjourned until Monday morning 9 o'clock.

MONDAY, AUGUST 6, 1849.

A motion was made by Mr. HART, that the house adopt the following resolution:

Resolved, The senate concurring, the general assembly will adjourn *sine die* on Monday, 13th instant.

And the question being put thereupon, was determined in the affirmative. Ayes 71, noes 7.

On motion of Mr. EDWARDS of Franklin, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Hart, Smith, Boisseau, Cheatham, Brown, Burwell, Boak, Harrison of Brunswick, Forbes, Moncure of Caroline, Lacy, Cardwell, Jones, Vaughan, Segar, Clarke, Thomas, Howard of Floyd, Edwards of Franklin, Sydnor, Baily, Clopton, Carroll, Stovall, Major, Hiett, Bassel, Mullins, Wallace, Houser, Tomlin, Webb, Ferguson, Harrison of Loudoun, Harris, Edmondson, Newman, Arnett, M'Donald, Shepard, Whittle, Tanzey, Yerby, Basye, Booth, Pitts, Buswell, Turner, Hiner, Syme, Grasty, Cackley, Fairfax, Herbert, Rives, Cook, Dorman, Martz, Harper, Aston, Fugate, Thompson of Smyth, Conway, Moncure of Stafford, Hargrave, Burdett, George, Massey and Collins—71.

NOES—Messrs. Byrnes of Braxton, Lewis and Gilmer, De Camps, Darracott, Clendenin, Perrow, Mayo and Boyd—7.

Ordered, That the clerk communicate the said resolution to the senate and request their concurrence.

A bill concerning the Code of Virginia, part V, was read a second time.

The 9th section of the 191st chapter, is the following: "If any free woman shall conceal the death of any issue of her body, so that it may not be known whether such issue was born alive or not, or whe-

ther it was murdered or not, she shall be fined not exceeding one hundred dollars, and confined in jail not more than one year. Any woman who shall be indicted for the murder of her infant child, may (if the murder be not proved, and the offence above described be proved,) be found not guilty of the murder, but guilty of the other offence, and judgment may be awarded against her for the same."

A motion was made by Mr. MONCURE of Stafford, that the said section be stricken from the chapter, and it was determined in the negative. Ayes 34, noes 47.

On motion of Mr. FERGUSON, the vote was recorded as follows:

AYES—Messrs. Finney, Hart, Burwell, Byrne of Braxton, Lewis and Gilmer, Forbes, Moncure of Caroline, Lacy, Cardwell, Clarke, Clopton, Stovall, Major, Darracott, Bassel, Wallace, Houser, Harrison of Loudoun, Arnett, Shepard, Clendenin, Perrow, Yerby, Basye, Booth, Grasty, Fairfax, Herbert, Mayo, Dorman, Aston, Fugate, Thompson of Smyth, Moncure of Stafford, and George—34.

NOES—Messrs. Hopkins, (speaker,) Watson, Smith, Boisseau, Cheatham, Brown, Boak, De Camps, Harrison of Brunswick, Jones, Irving of Cumberland, Vaughan, Segar, Thomas, Howard of Floyd, Edwards of Franklin, Synnor, Baily, Carroll, Allen, Mullins, Tomlin, Webb, Ferguson, Harris, Edmondson, Newman, M'Donald, Whittle, Tanzey, Cowper, Pitts, Buswell, Turner, Hiner, Syme, Cackley, Rives, Cook, Martz, Harper, Conway, Hargrave, Burdett, Massey, Collins and Boyd—47.

The 10th and 11th sections of the same chapter were amended on motion of Mr. MONCURE of Stafford.

The 192d chapter was amended in the 23d and 30th sections, on motion of Mr. MAYO.

The 194th chapter was amended in the 23d section, on motion of Mr. FERGUSON.

The 196th chapter was amended in the 1st section, on motion of Mr. MONCURE of Stafford; in the 4th section, on motion of Mr. PERROW, and at the end of the 17th section, on motion of Mr. MAYO.

A message was received from the senate by Mr. AMBLER, who informed the house that the senate had adopted a resolution requesting a committee of conference in relation to the subjects of disagreement between the two houses on the bill, entitled "an act concerning the Code of Virginia," part II.

The 198th chapter, section 1st, provides that "a free person who shall keep or exhibit a gaming table, commonly called A B C or E O table, or faro bank, or a table of the like kind," &c. "shall be confined in *jail* not less than two nor more than twelve months, and be fined," &c.

A motion was made by Mr. FERGUSON to amend the said section, by striking out the word "jail," and inserting in lieu thereof the words "the penitentiary;" and the question being put thereupon, was determined in the negative. Ayes 31, noes 47.

On motion of Mr. HOWARD of Floyd, the vote was recorded as follows:

AYES—Messrs. Cheatham, Sheffey, Mitchell, Burwell, Byrne of Braxton, Lewis and Gilmer, De Camps, Vaughan, Howard of Floyd, Baily, Carroll,

Allen, Tomlin, Ferguson, Harris, Newman, M'Donald, Tanzey, Perrow, Hiner, Cackley, Herbert, Rives, Aston, Fugate, Moncure of Stafford, Hargrave, Burdett, George, Massey, Collins and Boyd—31.

NOES—Messrs. Hopkins, (speaker,) Finney, Watson, Smith, Boisseau, Faulkner, Boak, Harrison of Brunswick, Forbes, Irvine of Campbell, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Segar, Clarke, Thomas, Scott, Edwards of Franklin, Sydnor, Stovall, Hiett, Bassel, Houser, Webb, White, Harrison of Loudoun, Edmondson, Arnett, Shepard, Coleman, Whittle, Cowper, Basye, Booth, Buswell, Turner, Grasty, Mayo, Cook, Dorman, Martz, Harper, Thompson of Smyth, and Conway—47.

The fifth section of said chapter was read as follows:

"§ 5. If a free person, by playing or betting at any game or wager elsewhere than at a public place, lose or win within twenty-four hours, a greater sum or any thing of greater value than twenty dollars, he shall be punished as in the preceding section."

A motion was made by Mr. STOVALL to strike out the said section, and insert in lieu thereof the following:

"If any free person bet at any game or wager, he shall be punished as in the preceding section."

And the question being put thereupon, was determined in the negative. Ayes 17, noes 60.

On motion of Mr. FERGUSON, the vote was recorded as follows:

AYES—Messrs. Cheatham, De Camps, Howard of Floyd, Carroll, Stovall, Major, Thomson of Jefferson, Ferguson, Booth, Hiner, Cackley, Herbert, Aston, George, Massey, Collins and Boyd—17.

NOES—Messrs. Hopkins, (speaker,) Finney, Watson, Smith, Boisseau, Sheffey, Brown, Mitchell, Burwell, Faulkner, Boak, Harrison of Brunswick, Forbes, Irvine of Campbell, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Vaughan, Segar, Clarke, Thomas, Scott, Edwards of Franklin, Sydnor, Clopton, Allen, Hiett, Mullins, Wallace, Houser, Tomlin, Webb, Harrison of Loudoun, Harris, Edmondson, Newman, Arnett, M'Donald, Whittle, Tanzey, Perrow, Cowper, Buswell, Turner, Grasty, Fairfax, Rives, Mayo, Cook, Dorman, Martz, Harper, Thompson of Smyth, Conway, Moncure of Stafford, Hargrave and Burdett—60.

A motion was made by Mr. PERROW to amend the same chapter by inserting at the end of the 19th section the following:

"And to expel more effectually the circulation of the small notes of the banks of other states, in this state, the banks of this state may issue notes of less denomination than five dollars, to the amount of five per cent. on the capital stock of such bank, redeemable on demand at such banks or any branch thereof."

And the question being put thereupon, was determined in the negative. Ayes 5, noes 69.

On motion of Mr. M'DONALD, the vote was recorded as follows:

AYES—Messrs. Irvine of Campbell, Howard of Floyd, Perrow, Turner and Burdett—5.

NOES—Messrs. Finney, Watson, Smith, Boisseau, Cheatham, Sheffey, Brown, Mitchell, Faulkner, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Moncure of Caroline, Lacy, Cardwell, Jones, Barbour, Irving of Cumberland, Vaughan, Segar, Clarke, Thomas, Scott, Rector, Edwards of Franklin, Sydnor, Clopton, Stovall, Major, Allen, Hiett,

Darracott, Bassel, Wallace, Tomlin, Webb, Ferguson, Harrison of Loudoun, Harris, Newman, M'Donald, Whittle, Tanzey, Cowper, Yerby, Booth, Buswell, Hiner, Grasty, Cackley, Fairfax, Herbert, Rives, Mayo, Cook, Dorman, Martz, Harper, Aston, Fugate, Pittman, Thompson of Smyth, Conway, Moncure of Stafford, Hargrave, George, Collins and Boyd—69.

The twenty-first section of the same chapter was amended on motion of Mr. STOVALL.

The same chapter was amended on motion of Mr. FINNEY, by inserting a new section after the 32d section; and by Mr. WATSON, by inserting a new section, to follow the said section just inserted; and by Mr. FERGUSON, by inserting a new section after the 35th section.

On motion of Mr. JONES, the said bill was laid upon the table.

On motion of Mr. JONES, leave of absence from the service of this house was granted to Mr. THOMPSON of Smyth; and on motion of Mr. BURWELL, similar leave was granted to Mr. MITCHELL, each for the remainder of the session from to-morrow.

The resolution of the senate was taken up and read as follows:

Resolved, That a free conference by committee be respectfully asked with the house of delegates in relation to the subjects of disagreement between the two houses on the Code of Virginia, part II; and that such committee as shall be appointed have power to supply all omissions and make all proper corrections in the said part second of the Code.

And the question being put thereupon, was determined in the affirmative.

Ordered, That the clerk inform the senate thereof.

The SPEAKER announced the following as the committee on the part of this house: Messrs. Conway, Whittle, Moncure of Stafford, Barbour, Massey, Ferguson, Dorman, Pitts, Burwell, Boyd, Finney, Thomas, and Layne of Alleghany.

On motion of Mr. JONES, the house adjourned until to-morrow morning 9 o'clock.

TUESDAY, AUGUST 7, 1849.

On motion of Mr. RIVES,

Ordered, That the committee on enrolled bills be enlarged, and that leave be given it to sit during the session of the house.

The SPEAKER announced the following as additional members of said committee: Messrs. Layne of Alleghany, M'Cue, Watson, Cardwell, Boak and Harvey.

On motion of Mr. TOMLIN, leave of absence was granted to Mr. EDWARDS of Franklin for the remainder of the session from to-day.

A bill concerning the Code of Virginia, part V, was taken up on motion of Mr. COOK, and amended on motions severally made.

A motion was made by Mr. THOMSON of Jefferson, to amend the 191st chapter, by inserting after the 13th section the following:

"If any person shall take for the loan of money more than six per

centum per annum, or purchase or acquire by any shift or device to avoid this statute, any obligation or security for the payment of money, or any mortgage or deed of trust securing the same, at a greater discount than six per centum, the said purchase or acquisition shall be an indictable offence. The assignor or transferrer shall be a competent witness, and upon proof thereof, the offender shall forfeit the amount of the purchase or usury to the commonwealth, for the benefit of the Literary fund; and the courts shall give this act in charge to the grand jury."

And the question being put upon the adoption of the said amendment, was determined in the negative. Ayes 7, noes 68.

On motion of Mr. THOMSON of Jefferson, the vote was recorded as follows:

AYES—Messrs. Cardwell, Howard of Floyd, Thomson of Jefferson, Cowper, Cackley, Dorman and Pittman—7.

NOES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, Layne of Alleghany, Boisseau, M'Cue, Sheffey, Brown, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Moncure of Caroline, Lacy, Jones, Barbour, Irving of Cumberland, Vaughan, Segar, Clarke, Scott, Rector, Stillman, Edwards of Franklin, Saylor, Baily, Clopton, Major, Hiatt, Darracott, Bassel, Mullins, Wallace, Tomlin, Webb, Ferguson, White, Harrison of Loudoun, Harris, Newman, Shepard, Clendenin, Whittle, Tanzey, Robinson, Booth, Pannill, Turner, Hiner, Syme, Grasty, Rives, Mayo, Martz, Aston, Fugate, Thompson of Smyth, Conway, Moncure of Stafford, Hargrave, Nicholson, Burdett, Massey, Harvey and Boyd—68.

On motion of Mr. MAYO, the house adjourned until to-morrow morning 9 o'clock.

WEDNESDAY, August 8, 1849.

A communication from the senate, by their clerk, was read as follows:

IN SENATE, August 6, 1849.

The senate have passed the bill, entitled "an act concerning the Civil Code of Virginia," part III, with amendments, in which they request the concurrence of the house of delegates.

On motion of Mr. FERGUSON, the said bill and amendments were ordered to be laid upon the table; and the said amendments were ordered to be printed.

Mr. STILLMAN, from the committee on enrolled bills, reported that said committee had examined the enrolled bill concerning the Code of Virginia, part I, and found it truly enrolled.

Ordered, That the clerk communicate the same to the senate for further examination and signature.

Mr. CONWAY, from the committee of conference on the matters of disagreement between the two houses on the bill, entitled "an act concerning the Code of Virginia," part II, presented a report, which, on his motion, was ordered to be laid upon the table.

A bill concerning the Code of Virginia, part V, was taken up, and further amended on motions severally made.

A message was received from the senate by Mr. STANARD, who informed the house that the senate disagreed to the amendments proposed by the house of delegates to the 35th and 37th amendments of the senate to the bill, entitled "an act concerning the Civil Code of Virginia," part II; that they further insisted upon their 38th, 39th and 40th amendments to said bill, to which the house of delegates disagreed; and that they agreed to the amendments recommended by the committee of conference thereto.

The bill concerning the Code of Virginia, part V, was further amended, and ordered, as amended, to be engrossed and read a third time.

A motion was made by Mr. WATSON, that the house adopt the following resolution:

Resolved, That leave be given to report a bill to amend the act, entitled "an act to establish free schools in the county of Albemarle," passed March 14th, 1849.

On motion of Mr. MONCURE of Caroline, the said resolution was ordered to be laid upon the table.

The bill, entitled "an act concerning the Civil Code of Virginia," part II, with the amendments thereto proposed by the senate, was taken up.

The 35th amendment of the senate proposed to amend the first section of the 88th chapter, by striking out from the word "appointment" to the word "court," inclusive, in the fifth line, and in lieu thereof insert the words "shall be made annually in September or October by the governor for the several counties and towns in which it may be necessary to appoint such inspectors."

The house proposed to amend said amendment by substituting therefor the following: "shall be made annually in September or October by the governor, upon the recommendation of three suitable persons by the court of the county in which the place of inspection is situated."

To the amendment to the amendment the senate disagreed.

A motion was made by Mr. SCOTT that the house adhere to their said amendment; and the question being put thereupon, was determined in the negative. Ayes 49, noes 50.

On motion of Mr. SCOTT, the vote was recorded as follows:

AYES—Messrs. Finney, Hart, Watson, Smith, M'Cue, Sheffey, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, Forbes, Wills, Irvine of Campbell, Lacy, Cardwell, Irving of Cumberland, Vaughan, Segar, Clarke, Thomas, Scott, Rector, Howard of Floyd, Stillman, Clopton, Darracott, Howard of James City, York and Williamsburg, Thomson of Jefferson, Wallace, Tomlin, Webb, White, Edwards of Loudoun, Shepard, Clendenin, Whittle, Cowper, Yerby, Booth, Pitts, Turner, Syme, Grasty, Strother, Mayo, Dorman, Aston, Burdett, Harvey and Boyd—49.

NOES—Messrs. Hopkins, (speaker,) Boisseau, Cheatham, Brown, De Camps, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Claiborne, Sydnor, Baily, Carroll, Stovall, Major, Allen, Hiatt, Bassel, Mullins, Houser, Ferguson, Harrison of Loudoun, Harris, Edmondson, Newman, Arnett,

M'Donald, Coleman, Tanzey, Robinson, Butt, Basye, Pannill, Buswell, Hiner, Cackley, Fairfax, Rives, Harrison of Prince William, Cook, Martz, Harper, Fugate, Pittman, Conway, Moncure of Stafford, Hargrave, George, Goodson and Collins—50.

A motion was then made by Mr. SHEFFEY that the house insist upon its amendment, and it was determined in the affirmative. Ayes 51, noes 48.

On motion of Mr. SHEFFEY, the vote was recorded as follows:

AYES—Messrs. Finney, Hart, Watson, Smith, M'Cue, Sheffey, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, Forbes, Willa, Irvine of Campbell, Lacy, Cardwell, Irving of Cumberland, Vaughan, Segar, Clarke, Thomas, Scott, Rector, Howard of Floyd, Stillman, Clopton, Darracott, Howard of James City, York and Williamsburg, Thomson of Jefferson, Wallace, Tomlin, Webb, White, Harrison of Loudoun, Edwards of Loudoun, Shepard, Clendenin, Whittle, Cowper, Yerby, Booth, Pitts, Turner, Syme, Grasty, Strother, Mayo, Dorman, Aston, Moncure of Stafford, Burdett, Harvey and Boyd—51.

NOES—Messrs. Hopkins, (speaker,) Boisseau, Cheatham, Brown, De Camps, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Claiborne, Sydnor, Baily, Carroll, Stovall, Major, Allen, Hiett, Bassel, Mullins, Houser, Ferguson, Harris, Edmondson, Newman, Arnett, M'Donald, Coleman, Tanzey, Robinson, Butt, Basye, Pannill, Buswell, Hiner, Cackley, Fairfax, Rives, Harrison of Prince William, Cook, Martz, Harper, Fugate, Pittman, Conway, Hargrave, George, Goodson and Collins—48.

On motion of Mr. SHEFFEY, the house insisted upon its amendment to the 37th amendment of the senate.

And in like manner, they further insisted on their disagreement to the 38th, 39th and 40th amendments of the senate to said bill.

Ordered, That the clerk inform the senate thereof.

The report of the committee of conference was taken up, and read as follows:

The committee of conference on the part of the house of delegates met a committee on the part of the senate, upon the disagreement of the two houses upon several amendments to the bill, entitled "an act concerning the Civil Code of Virginia," part II, with authority to suggest such consequential amendments as were rendered necessary by the amendments heretofore agreed to by both houses, beg leave to submit the following report:

The committee on the part of the senate declined to submit any proposition to the committee of the house, relating to the disagreement of the two houses on the subject of the "inspection laws," not feeling authorized to do so at this time.

The committee on the part of the house proposed to the committee of the senate that the following amendments be recommended to be adopted by both houses, as necessary and consequential upon the amendments heretofore adopted, in which proposition the committee of the senate concurred:

*Amendments proposed by the Committee of Conference to Part II
of the Civil Code of Virginia.*

Printed Bill.	Engrossed Bill.	
P. 283, ch. 51, § 4,	P. 300, § 4, lines 2, 3,	Strike out "if he be not a collector of poor rates, or have not been for six months preceding the election," and insert, "unless he is, or within six months preceding the election has been, a collector of county levies."
P. 283, ch. 51, § 6, lines 4, 5, -	P. 301, § 6, line 2, -	After "vacancy happens," insert "in the office of overseer."
P. 286, ch. 51, § 20, line 6, -	P. 303, § 19, line 5,	Strike out "twelfth," and insert "fifteenth."
P. 286, ch. 51, § 21,	P. 303, § 20, line 6,	Strike out "fifteenth," and insert "eighteenth."
P. 289, ch. 51, § 30, beginning of line 4,	P. 305, § 28, beginning of line 3, -	Strike out "and."
P. 291, ch. 52, § 1,	P. 308, ch. 52, § 1,	Strike out the first "and," in senate's amendment.
P. 310, ch. 53, § 8, line 2, -	P. 324, § 8, line 2,	Insert "fifteenth" before "and twentieth."
P. 314, ch. 54, § 1, line 12, -	P. 329, line 7, -	Strike out "or corporation."
P. 319, ch. 54,	P. 335, § 26, -	Strike out "chapter," and insert "act."
P. 325, ch. 56, § 7, line 7, -	P. 341, § 7, line 4, -	Strike out "one month," and insert "once a week for four weeks."
P. 325, ch. 56, § 9, line 3, -	P. 342, § 9, line 3, -	After "county," insert "or corporation."
Id. line 5, -	P. 342, § 9, line 3, -	After "county," insert "or corporation."
P. 325, ch. 56, § 10, line 8, -	P. 342, § 10, line 5,	After "county," insert "or corporation."
P. 328, ch. 56, § 19,	P. 345, § 23, -	Strike from caption "or town lots."
P. 328, in amendm'ts of house, p. 4, -	P. 342, § 19, line 10,	Strike out "and place of such proceeding," and insert "for the commissioners to meet on any land."
Do. do. -	Id. line 11, -	Before "land," strike out "the," and insert "such."
P. 331, new section, being § 27, on p. 85 of amendments,	P. 347, § 27, line 2,	After "sheriff," insert "or sergeant."
P. 337, ch. 57, § 15, line 3, -	P. 352, § 14, line 2,	After "bonds," insert "payable to the company."
Id. line 4, -	Id. line 3, -	Strike out "it," and insert "the board."
P. 365, ch. 61, -	- - -	In amendment of senate, § 43, strike out to word "through," and insert "when a joint stock company shall have been incorporated to construct a railroad or turnpike." Strike out "to be designated in the order requiring them," and insert ("which shall be designated therein.")
		§ 44, line 3, strike out "such," and insert "the."
		§ 46, line 4, strike out "43," and insert "38."
		§ 47, strike out "the landed property of the whole of such county, including the

Printed Bill.	Engrossed Bill.	
P. 387, ch. 66, § 18,	P. 401, § 16, last line,	corporate towns within the same," and insert "all the lands in such county, without the limits of a town that provides for its poor and keeps its streets in order." Strike out "to," before "report."
P. 420, ch. 79, -	- - - -	§ 48, strike out "land tax of," and insert "levy on land in."
P. 422, ch. 80, -	- - - -	Strike out from "But," inclusive, to end of section.
P. 435, ch. 82, -	P. 455, § 29, -	In amendment 24 of senate, strike out "not to be paid unless," and insert "upon condition that."
P. 437, ch. 83, § 8,	P. 457, § 9, line 2, -	In 26th amendment of senate, after "person," strike out "their," and insert "his."
P. 437, ch. 83, -	P. 459, § 14, line 3,	Strike out to "The people," and after "corporation," strike out "they."
P. 500, ch. 91, § 8, -	Id. line 4, -	Strike out after "assembly," and insert "of the progress of the university, and its receipts and disbursements during the year ending on the first day of July preceding, with the amount of salary received by each professor, including fees received from the students."
P. 515, ch. 95, § 1, -	P. 459, § 15, line 3,	Strike out "and," before "Henry and Emory."
P. 518, 19, ch. 96, § 3,	P. 520, ch. 91, § 8, line 2, -	Strike out "or," before "colleges."
P. 524, ch. 99, § 1, -	P. 537, ch. 95, § 1, -	Strike out "or," before "colleges;" and after "colleges," insert "and academy."
P. 532, 3, -	P. 541, ch. 95, § 3, line 2 from top, -	Strike out "upon being," and insert "be."
P. 536, § 28, -	P. 546, ch. 99, § 1, -	Strike out "and the councils of," and insert "except;" after "Alexandria," insert "and the councils of the said city and town;" and after "bond," insert "to the commonwealth."
		Strike out "regular term for granting licenses," and insert "next May term."
		Strike out to "shall be deemed," and insert "Every fence five feet high, which, if the fence be on a mound, shall include the mound to the bottom of the ditch."
		In amendments of senate, p. 7, § 13, last line, strike out "and every."
		Strike out § 15 and 17. See 5th report, p. 991, § 8, 9.
		Strike out § 16. See p. 273, ch. 49, § 25, and p. 1000, § 3.
	P. 556, § 20, -	Strike out "to be recovered in the manner prescribed by the 16th section."
	P. 558, § 28, line 2,	Strike out from "chapter" to "chapter," inclusive of it, where it occurs last.

Resolved therefore, That the house of delegates agree to the amendments recommended by the said committee.

The said resolution was, on the question put thereupon, agreed to by the house.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. PANMILL, the house adjourned until to-morrow morning 9 o'clock.

THURSDAY, AUGUST 9, 1849.

A motion was made by Mr. FUGATE that the house adopt the following resolution :

Resolved, That leave be given to bring in a bill divorcing William B. Spencer from his wife Elizabeth.

On motion of Mr. HINER, the said resolution was ordered to be laid upon the table.

A motion was made by Mr. PERROW, that the resolution some time since offered by him be taken up. The same is the following :

Resolved, That leave be given to bring in a bill for changing the time of holding the circuit superior courts of the counties of Rockbridge, Nelson and Albemarle.

And the question being put upon taking up the same, was determined in the affirmative.

The said resolution was then agreed to, and a committee was appointed to bring in the said bill, consisting of Messrs. Perrow, Smith, Watson, Whittle and Sheffey.

Mr. PERROW, according to order, presented the following bill :

No. 528. A bill changing the time of holding the circuit superior courts of the counties of Rockbridge, Nelson and Albemarle.

The rules of the house having been suspended therefor, on motion of Mr. PERROW, the said bill was read the first and second times, and forthwith engrossed and read a third time ; thereupon a clause by way of ryder thereto was submitted by Mr. FERGUSON, which was read the first and second times and forthwith engrossed ; and the bill and ryder was passed, and the title was amended on motion of Mr. FERGUSON, and as amended was agreed to as follows : "An act changing the time of holding the circuit superior courts of the counties of Rockbridge, Nelson and Albemarle, and for other purposes."

Ordered, That Mr. PERROW carry the same to the senate, and request their concurrence.

Mr. BOISSEAU presented a petition of the commissioners of the county of Amelia, for changing the location of the courthouse of said county, praying authority to change the said location and to dispose of the old courthouse, which, on his motion, was ordered to be referred to a committee of Messrs. Boisseau, Perrow, Jones, Cook, Vaughan, Strother and Whittle, with leave to bring in a bill conformably with said petition.

Mr. BOISSEAU, according to order, presented the following bill :

No. 529. A bill to change the location of the courthouse for the county of Amelia, and for other purposes, which was read the first and second times, (the rule of the house being suspended therefor,) and ordered to be engrossed and read a third time.

On motion of Mr. STROTHER,

Ordered, That leave be given to bring in a bill to amend an act, entitled "an act authorizing a subscription for the commonwealth to the stock of the Virginia and Tennessee railroad company, passed March 6th, 1849, and that Messrs. Strother, Burwell, Goodson, Tom-

lin, Barbour, Irvine of Campbell, and Cook, prepare and bring in the same.

Mr. STROTHER, according to order, presented the following bill :

No. 530. A bill to amend an act, entitled "an act authorizing a subscription for the commonwealth to the stock of the Virginia and Tennessee railroad company," passed March 6th, 1849, which was read the first and second times (the rule of the house having been suspended therefor,) and forthwith engrossed and read a third time ; and the question being put upon its passage, was determined in the affirmative. Ayes 49, noes 37.

On motion of Mr. HARPER, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Hart, Watson, Smith, Boisseau, Cheatham, M'Cue, Sheffey, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, Forbes, Wills, Lacy, Barbour, Irving of Cumberland, Segar, Howard of Floyd, Claiborne, Baily, Carroll, Stovall, Darracott, Bassel, Mullins, Howard of James City, York and Williamsburg, Worthington, White, Edwards of Loudoun, Harris, Tanzey, Perrow, Robinson, Cowper, Basye, Pitts, Pannill, Syme, Fairfax, Strother, Mayo, Cook, Martz, Aston, Fugate, Burdett, George, Goodson and Boyd—49.

NOES—Messrs. Finney, Brown, De Camps, Harrison of Brunswick, Moncure of Caroline, Vaughan, Clarke, Wood, Sydnor, Hiatt, Thomson of Jefferson, Wallace, Houser, Tomlin, Webb, Harrison of Loudoun, Edmondson, Newman, M'Donald, Shepard, Coleman, Whittle, Butt, Yerby, Buswell, Turner, Hiner, Grasty, Cackley, Rives, Harrison of Prince William, Dorman, Harper, Pittman, Moncure of Stafford, Hargrave and Harvey—37.

Ordered, That Mr. STROTHER carry the said bill to the senate, and request their concurrence.

An engrossed bill concerning the Code of Virginia, part V, was read a third time and passed.

Ordered, That Mr. STOVALL carry the same to the senate, and request their concurrence.

On motion of Mr. MONCURE of Stafford,

Ordered, That leave be given to bring in a bill providing for the publication of the Code, and for other purposes connected therewith, and that Messrs. Moncure of Stafford, Hart, Ferguson, Syme, Conway, Mayo, Pannill, Bassel, De Camps, Hiner, Stovall, Jones and Hargrave, prepare and bring in the same.

No. 529. An engrossed bill to change the location of the courthouse for the county of Amelia, and for other purposes, was read a third time and passed.

Ordered, That Mr. BOISSEAU carry the same to the senate, and request their concurrence.

A message was received from the senate by Mr. AMBLER, who informed the house that the senate adhered to their disagreement to the amendments proposed by the house of delegates to their 35th and 37th amendments to the bill, entitled "an act concerning the Civil Code of Virginia," part II, and that they also adhered to their 38th, 39th and 40th amendments to the said bill.

The said thirty-fifth amendment of the senate was again read, together with the amendment of the house thereto, in the disagreement

to which the senate adhered. A motion was made by Mr. ROBINSON, that the house recede from its said amendment; thereupon, Mr. NEWMAN demanded the previous question, and it was sustained by the house. Ayes 52, noes 45.

On motion of Mr. WHITTLE, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Boisseau, Cheatham, Brown, De Camps, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Vaughan, Claiborne, Wood, Sydnor, Baily, Carroll, Stovall, Major, Allen, Hiatt, Bassel, Mullins, Boykin, Houser, Ferguson, Harris, Edmondson, Newman, Arnett, M'Donald, Shepard, Coleman, Tanzey, Robinson, Butt, Basye, Pannill, Buswell, Hiner, Cackley, Fairfax, Rives, Harrison of Prince William, Cook, Martz, Harper, Fugate, Pittman, Conway, Hargrave, George, Goodson and Collins—52.

NOES—Messrs. Finney, Hart, Watson, Smith, M'Cue, Sheffey, Burwell, Boak, Forbes, Wills, Lacy, Cardwell, Irving of Cumberland, Segar, Clarke, Thomas, Scott, Rector, Howard of Floyd, Stillman, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Tomlin, Webb, White, Harrison of Loudoun, Edwards of Loudoun, Clendenin, Whittle, Perrow, Cowper, Yerby, Pitts, Turner, Syme, Grasty, Strother, Mayo, Aston, Moncure of Stafford, Burdett, Harvey and Boyd—45.

The question was then put upon receding from the said amendment to the senate's amendment, and it was determined in the affirmative. Ayes 49, noes 48.

On motion of Mr. PERROW, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Boisseau, Cheatham, Brown, De Camps, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Claiborne, Wood, Sydnor, Baily, Carroll, Stovall, Major, Allen, Hiatt, Bassel, Boykin, Houser, Ferguson, Harris, Edmondson, Newman, Arnett, M'Donald, Coleman, Tanzey, Robinson, Butt, Basye, Pannill, Buswell, Hiner, Cackley, Fairfax, Rives, Harrison of Prince William, Cook, Martz, Harper, Fugate, Pittman, Conway, Hargrave, George, Goodson and Collins—49.

NOES—Messrs. Finney, Hart, Watson, Smith, M'Cue, Sheffey, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, Forbes, Wills, Lacy, Cardwell, Irving of Cumberland, Vaughan, Segar, Clarke, Thomas, Scott, Rector, Howard of Floyd, Stillman, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Tomlin, Webb, White, Harrison of Loudoun, Edwards of Loudoun, Shepard, Clendenin, Whittle, Cowper, Yerby, Pitts, Turner, Syme, Grasty, Strother, Mayo, Dorman, Aston, Moncure of Stafford, Burdett, Harvey and Boyd—48.

The question was then put upon agreeing to the senate's amendment, and was determined in the negative. Ayes 49, noes 50.

On motion of Mr. SYME, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Boisseau, Cheatham, Brown, De Camps, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Claiborne, Wood, Sydnor, Baily, Carroll, Stovall, Major, Allen, Hiatt, Bassel, Boykin, Houser, Ferguson, Harris, Edmondson, Newman, Arnett, M'Donald, Coleman, Tanzey, Robinson, Butt, Basye, Pannill, Buswell, Hiner, Cackley, Fairfax, Rives, Harrison of Prince William, Cook, Martz, Harper, Fugate, Pittman, Conway, Hargrave, George, Goodson and Collins—49.

NOES—Messrs. Finney, Hart, Watson, Smith, M'Cue, Sheffey, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, Forbes, Wills, Irvine of Camp-

bell, Lacy, Cardwell, Irving of Cumberland, Vaughan, Segar, Clarke, Thomas, Scott, Rector, Howard of Floyd, Stillman, Darracott, Howard of James City, York and Williamsbnrg, Worthington, Thomson of Jefferson, Wallace, Tomlin, Webb, White, Harrison of Loudoun, Edwards of Loudoun, Shepard, Clendenin, Whittle, Cowper, Yerby, Pitts, Turner, Syme, Grasty, Strother, Mayo, Dorman, Aston, Moncure of Stafford, Burdett, Harvey and Boyd—50.

A motion was then made by Mr. MONCURE of Stafford, that the senate be requested to appoint a committee of conference on their part, to act with a similar committee on the part of the house, to take into consideration the disagreement of the two houses on the said amendment, and it was determined in the negative. Ayes 48, noes 49.

On motion of Mr. CLAIBORNE, the vote was recorded as follows:

AYES—Messrs. Finney, Hart, Watson, Smith, M'Cue, Sheffey, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Forbes, Wills, Irvine of Campbell, Lacy, Irving of Cumberland, Vaughan, Segar, Clarke, Thomas, Scott, Rector, Howard of Floyd, Darracott, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Tomlin, Webb, Harrison of Loudoun, Edwards of Loudoun, Clendenin, Coleman, Whittle, Perrow, Cowper, Yerby, Pitts, Turner, Grasty, Strother, Mayo, Cook, Dorman, Aston, Moncure of Stafford, Burdett, Harvey and Boyd—48.

NOES—Messrs. Hopkins, (speaker,) Boisseau, Cheatham, Brown, Harrison of Brunswick, Moncure of Caroline, Cardwell, Jones, Barbour, Claiborne, Sydnor, Baily, Carroll, Stovall, Allen, Hiatt, Bassel, Boykin, Wallace, Houser, Ferguson, White, Harris, Edmondson, Newman, Arnett, M'Donald, Shepard, Tanzey, Robinson, Butt, Basye, Pannill, Buswell, Hiner, Syme, Cackley, Fairfax, Rives, Harrison of Prince William, Martz, Harper, Fugate, Pittman, Conway, Hargrave, George, Goodson and Collins—49.

On motion of Mr. STROTHER, the house adjourned until to-morrow morning 9 o'clock.

FRIDAY, AUGUST 10, 1849.

A motion was made by Mr. GEORGE that the house adopt the following resolution:

Resolved, That leave be given to bring in a bill concerning an act authorizing a branch bank to be established at Jeffersonville in the county of Tazewell.

On motion of Mr. HARRISON of Loudoun, the said resolution was ordered to be laid upon the table.

Mr. MONCURE of Stafford, according to order, presented the following bill:

No. 531. A bill concerning the publication of the Code of Virginia, which was read the first and second times, and ordered to be engrossed and read a third time.

A bill, entitled "an act concerning the Civil Code of Virginia," part II, with the senate's amendments thereto, was taken up.

The 37th amendment of the senate, with the amendment of the house thereto, the disagreement of the senate to which was adhered

to by that house, was again read; thereupon a motion was made by Mr. STROTHER that the house recede from its amendment, and it was determined in the affirmative.

The question recurred upon agreeing to the said 35th amendment of the senate, and was determined in the affirmative. Ayes 50, noes 47.

On motion of Mr. FERGUSON, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Boisseau, Cheatham, Brown, De Camps, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Claiborne, Wood, Sydnor, Baily, Carroll, Stovall, Major, Allen, Hiatt, Bassel, Boykin, Houser, Ferguson, Harris, Edmondson, Newman, Arnett, M'Donald, Coleman, Tanzey, Robinson, Butt, Basye, Pannill, Buswell, Hiner, Cackley, Fairfax, Rives, Harrison of Prince William, Cook, Martz, Harper, Fugate, Pittman, Conway, Moncure of Stafford, Hargrave, George, Goodson and Collins—50.

NOES—Messrs. Finney, Hart, Watson, Smith, M'Cue, Sheffey, Burwell, Boak, Forbes, Wills, Irvine of Campbell, Lacy, Cardwell, Irving of Cumberland, Vaughan, Segar, Clarke, Thomas, Scott, Rector, Howard of Floyd, Darracott, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Tomlin, Webb, White, Harrison of Loudoun, Edwards of Loudoun, Shepard, Clendenin, Whittle, Cowper, Yerby, Pius, Turner, Syme, Grasty, Strother, Mayo, Dorman, Aston, Burdett, Harvey and Boyd—47.

A motion was then made by Mr. MONCURE of Stafford, to suspend the rule for the purpose of reconsidering the vote by which the house disagreed to the 35th amendment of the senate to the said bill on yesterday, and it was determined in the affirmative. Ayes 52, noes 44.

On motion of Mr. THOMAS, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Boisseau, Cheatham, Brown, De Camps, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Claiborne, Wood, Sydnor, Baily, Carroll, Stovall, Major, Allen, Hiatt, Bassel, Boykin, Houser, Ferguson, Harris, Edmondson, Newman, Arnett, M'Donald, Coleman, Whittle, Tanzey, Robinson, Butt, Cowper, Basye, Pannill, Buswell, Hiner, Cackley, Fairfax, Rives, Harrison of Prince William, Cook, Martz, Harper, Fugate, Pittman, Conway, Moncure of Stafford, Hargrave, George, Goodson and Collins—52.

NOES—Messrs. Finney, Hart, Watson, Smith, M'Cue, Sheffey, Burwell, Boak, Forbes, Wills, Irvine of Campbell, Lacy, Cardwell, Irving of Cumberland, Vaughan, Segar, Clarke, Thomas, Scott, Rector, Howard of Floyd, Darracott, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Tomlin, Webb, White, Harrison of Loudoun, Edwards of Loudoun, Clendenin, Yerby, Pitts, Turner, Syme, Grasty, Strother, Mayo, Dorman, Aston, Burdett, Harvey and Boyd—44.

The said vote being reconsidered, the question recurred upon agreeing to the said 35th amendment of the senate, and was determined in the affirmative. Ayes 50, noes 48.

On motion of Mr. HOWARD of Floyd, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Boisseau, Cheatham, Brown, De Camps, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Claiborne, Wood, Sydnor, Baily, Carroll, Stovall, Major, Allen, Hiatt, Bassel, Boykin, Houser, Ferguson, Harris, Edmondson, Newman, Arnett, M'Donald,

Coleman, Tanzey, Robinson, Butt, Basye, Pannill, Buswell, Hiner, Cackley, Fairfax, Rives, Harrison of Prince William, Cook, Martz, Harper, Fugate, Pittman, Conway, Moncure of Stafford, Hargrave, George, Goodson and Collins—50.

NOES—Messrs. Finney, Hart, Watson, Smith, M'Cue, Sheffey, Burwell, Boak, Byrne of Braxton, Lewis and Gilmer, Forbes, Wills, Irvine of Campbell, Lacy, Cardwell, Irving of Cumberland, Vaughan, Segar, Clarke, Thomas, Scott, Rector, Howard of Floyd, Darracott, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Wallace, Tomlin, Webb, White, Harrison of Loudoun, Edwards of Loudoun, Shepard, Clendenin, Whittle, Cowper, Yerby, Pitts, Turner, Syme, Grasty, Strother, Mayo, Dorman, Aston, Burdett, Harvey and Boyd—48.

The 38th, 39th and 40th amendments proposed by the senate to the said bill, to which the house disagreed and the senate finally adhered, were again read, and on motions severally made the house receded from its disagreement thereto, and agreed to the same.

Ordered, That the clerk inform the senate thereof.

On motion of Mr. STOVALL, the bill, entitled "an act concerning the Civil Code of Virginia," part III, with the senate's amendments thereto, was taken up.

A motion was made by Mr. M'CUE, that the question be taken upon all the amendments at the same time, and it was determined in the negative. Ayes 17, noes 62.

On motion of Mr. ROBINSON, the vote was recorded as follows:

AYES—Messrs. Hart, Smith, M'Cue, Sheffey, Lacy, Thomas, Scott, Claiborne, Howard of James City, York and Williamsburg, Worthington, Wallace, Webb, Clendenin, Strother, Dorman, Burdett and Harvey—17.

NOES—Messrs. Hopkins, (speaker,) Finney, Watson, Boisseau, Cheatham, Brown, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Wills, Irvine of Campbell, Moncure of Caroline, Cardwell, Jones, Barbour, Irving of Cumberland, Vaughan, Clarke, Rector, Howard of Floyd, Wood, Sydnor, Carroll, Stovall, Allen, Hiatt, Darracott, Bassel, Thomson of Jefferson, White, Harrison of Loudoun, Edwards of Loudoun, Harris, Newman, M'Donald, Shepard, Whittle, Tanzey, Perrow, Cowper, Yerby, Basye, Pannill, Buswell, Turner, Hiner, Syme, Grasty, Cackley, Fairfax, Rives, Harrison of Prince William, Mayo, Fugate, Pittman, Conway, Moncure of Stafford, Hargrave, George, Collins and Boyd—62.

The first and third amendments of the senate were agreed to by the house.

The second amendment was amended on motion of Mr. MONCURE of Stafford, and as amended agreed to.

The fourth amendment was amended on motions made by Mr. WATSON, and as amended agreed to.

The fifth amendment of the senate proposed to add at the end of the 106th chapter, the following section:

"If any person be found aiding or maintaining a slave in the prosecution of a suit upon such petition, who shall fail to establish the claim to freedom, every such person shall *pay to the owner one hundred dollars for every person so petitioning, and* be liable to the owner to an action on the case for damages."

A motion was made by Mr. COOK to amend the same by striking

out the words in *italics*; and the question being put thereupon, no quorum voted. Ayes 45, noes 21.

On motion of Mr. RIVES, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, M'Cue, Sheffey, Forbes, Wills, Moncure of Caroline, Barbour, Irving of Cumberland, Segar, Scott, Stillman, Sydnor, Baily, Stovall, Major, Bassel, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Webb, Ferguson, Harrison of Loudoun, Edwards of Loudoun, M'Donald, Whittle, Butt, Yerby, Buswell, Hiner, Grasty, Cackley, Mayo, Cook, Dorman, Martz, Harper, Fugate, Conway, Moncure of Stafford, Harvey and Boyd—45.

NOES—Messrs. Boisseau, Cheatham, Brown, De Camps, Harrison of Brunswick, Lacy, Thomas, Allen, Mullins, Tomlin, Harris, Newman, Tanzey, Robinson, Cowper, Pannill, Rives, Harrison of Prince William, Strother, Hargrave and Goodson—21.

A quorum then appearing, the question was again propounded upon agreeing to the amendment submitted by Mr. Cook, and was determined in the affirmative. Ayes 59, noes 27.

On motion of Mr. RIVES, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) Finney, Hart, Watson, Smith, M'Cue, Sheffey, Burwell, Boak, Forbes, Wills, Irvine of Campbell, Moncure of Caroline, Cardwell, Barbour, Irving of Cumberland, Scott, Rector, Stillman, Sydnor, Baily, Carroll, Stovall, Major, Allen, Hiatt, Bassel, Howard of James City, York and Williamsburg, Worthington, Thomson of Jefferson, Webb, Ferguson, Harrison of Loudoun, Edwards of Loudoun, M'Donald, Clendenin, Coleman, Whittle, Tanzey, Perrow, Butt, Yerby, Buswell, Hiner, Grasty, Cackley, Fairfax, Mayo, Cook, Dorman, Martz, Harper, Aston, Fugate, Conway, Moncure of Stafford, George, Harvey and Boyd—59.

NOES—Messrs. Boisseau, Cheatham, Brown, De Camps, Harrison of Brunswick, Lacy, Vaughan, Segar, Thomas, Howard of Floyd, Mullins, Wallace, Tomlin, Harris, Newman, Robinson, Cowper, Basye, Pannill, Rives, Harrison of Prince William, Strother, Pittman, Hargrave, Burdett, Goodson and Collins—27.

The amendment of the senate, as amended, was then agreed to.

The sixth amendment was also agreed to.

And on motion of Mr. M'DONALD, the house adjourned until to-morrow morning 9 o'clock.

SATURDAY, AUGUST 11, 1849.

A bill, entitled "an act concerning the Civil Code of Virginia," part III, with the senate's amendments thereto, was taken up.

The seventh amendment was amended on motions of Messrs. WHITTLE; and MONCURE of Stafford, and as amended, agreed to.

The eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and sixteenth amendments were severally agreed to.

The seventeenth amendment was amended on motion of Mr. MONCURE of Stafford, and as amended, agreed to by the house.

The eighteenth and nineteenth amendments were also agreed to.

The twentieth amendment was disagreed to.

By the twenty-first amendment the senate proposed to strike out the 4th section of the 114th chapter, which is the following :

"All persons non-resident of the state of Virginia, owning or having an interest in lands lying therein, west of the Alleghany mountains, in surveys purporting to be for ten thousand acres or upwards, at the time of the passage of this act, shall, within five years from the time the same takes effect, cause such lands to be surveyed, and return to the clerk's office of the county wherein such lands, or the greater portion thereof, shall lie, the plat and certificate of the person making the survey, shewing distinctly the metes and bounds thereof, together with a statement shewing how and under whom they claim such lands, their chain of title from the person under whom they claim, to the date of each survey, and a reference to the court in which the deed or deeds under which they claim are recorded, or where any such deeds have not been recorded, shewing that fact. It shall be the duty of the clerk of every county court, when any such returns shall be made to his office, to provide a book, marked 'non-resident records,' in which he shall record all plats and certificates of survey, and statements required by this section. Upon a failure to comply with the provisions of this section, all lands so owned by such persons shall be forfeited to the board of the Literary fund; and the same shall be liable to entry, survey and grant, in the same manner as waste and unappropriated lands. But this section shall not be construed to affect the rights of *bona fide* occupants of any portion of such lands. Notice of this section shall be given by the auditor of public accounts, by publication weekly in two of the leading newspapers published at the seat of the federal government, for six months, the expense of which shall be paid from the public treasury."

A motion was made by Mr. GEORGE, that the house disagree to the said amendment, and it was determined in the affirmative. Ayes 48, noes 34.

On motion of Mr. THOMSON of Jefferson, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Cheatham, Brown, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Wills, Moncure of Caroline, Segar, Rector, Howard of Floyd, Claiborne, Sydnor, Baily, Carroll, Allen, Bassel, Lancaster, Ferguson, Harris, Newman, M'Donald, Clendenin, Coleman, Whittle, Tanzey, Gustin, Cowper, Pitts, Buswell, Hiner, Cackley, Rives, Harrison of Prince William, Strother, Cook, Dorman, Martz, Harper, Aston, Fugate, Pittman, Hargrave, Burdett, George, Goodson, Collins and Boyd—48.

NOES—Messrs. Finney, Smith, Boisseau, M'Cue, Sheffey, Forbes, Lacy, Cardwell, Barbour, Irving of Cumberland, Vaughan, Clarke, Thomas, Stillman, Wood, Stovall, Major, Darracott, Worthington, Thomson of Jefferson, Houser, Tomlin, Webb, White, Edwards of Loudoun, Shepard, Butt, Yerby, Turner, Syme, Grasty, Conway, Moncure of Stafford, and Harvey—34.

The twenty-second amendment was amended on motion of Mr. WORTHINGTON, and as amended, agreed to by the house.

The twenty-third, twenty-fourth, twenty-fifth, twenty-sixth and twenty-seventh amendments were, on motion of Mr. MONCURE of Stafford, disagreed to.

The twenty-eighth and twenty-ninth amendments were agreed to. The thirtieth amendment, on motion of Mr. SHEFFEY, was disagreed to.

The thirty-first amendment was amended on motion of Mr. MONCURE of Stafford, and as amended, agreed to.

The thirty-second amendment was agreed to.

The thirty-third amendment of the senate proposed to insert in lieu of the 32d section of the 130th chapter, the following :

"Where the assets of the decedent in the hands of his personal representative, after the payment of funeral expenses and charges of administration, are not sufficient for the satisfaction of all demands against him, they shall be applied :

"First. To debts due to the United States.

"Secondly. Taxes and levies assessed upon the decedent previous to his death.

"Thirdly. Debts due as personal representative, guardian or committee, where the qualification was in this state, in which debts shall be included a debt for money received by a husband, acting as such fiduciary in right of his wife.

"Fourthly. All other demands ratably, except that accounts, not acknowledged by the decedent or his agent in writing, of more than three years standing previous to the death of decedent, shall be postponed to all other demands, except voluntary obligations, and that nothing herein contained shall affect any lien by judgment or otherwise, acquired in the lifetime of the decedent."

A motion was made by Mr. MONCURE of Stafford to amend the said amendment by striking from the fourth clause the words "that accounts, not acknowledged by the decedent or his agent in writing, of more than three years standing previous to the death of decedent, shall be postponed to all other demands, except voluntary obligations, and that nothing herein contained shall affect any lien by judgment or otherwise, acquired in the lifetime of the decedent," and inserting in lieu thereof the words "those in the next class ; and

"Fifthly. Voluntary obligations."

And the question being put thereupon, no quorum voted. Ayes 59, noes 7.

On motion of Mr. THOMSON of Jefferson, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Finney, Smith, Boisseau, Cheatham, Sheffey, Brown, Boak, Byrne of Braxton, Lewis and Gilmer, De Camps, Harrison of Brunswick, Moncure of Caroline, Barbour, Vaughan, Scott, Rector, Claiborne, Sydnor, Baily, Carroll, Stovall, Major, Allen, Hiatt, Bassel, Lancaster, Mullins, Boykin, Howard of James City, York and Williamsburg, Houser, Tomlin, Webb, Edwards of Loudoun, Harris, Newman, Whittle, Tanzey, Gustin, Robinson, Butt, Cowper, Yerby, Buswell, Turner, Syme, Grasty, Cackley, Fairfax, Rives, Harrison of Prince William, Strother, Martz, Harper, Pittman, Conway, Moncure of Stafford, Hargrave, Burdett and Collins—59.

NOES—Messrs. Lacy, Thomas, Thomson of Jefferson, Ferguson, McDonald, Hiner, Fugate and Boyd—7.

A quorum then appearing, Mr. THOMSON of Jefferson, with the leave of the house, withdrew his call for the ayes and noes, and the amendment to the amendment was agreed to, and the said amendment as amended was then agreed to.

The thirty-fourth amendment was amended on motion of Mr. MONCURE of Stafford, and as amended agreed to by the house.

The thirty-fifth, thirty-sixth, thirty-seventh, and thirty-eighth amendments were severally agreed to.

The question being put upon agreeing to the thirty-ninth amendment, it appeared that there was no quorum; thereupon, on motion of Mr. SMITH, a call of the house was required, and the roll was called through, and the doors were closed; and after proceeding for some time against the absentees, on motion of Mr. MONCURE of Stafford, further proceedings under the call were suspended and the doors were opened, and a quorum appearing,

On motion of Mr. STROTHER, the house adjourned until Monday morning 9 o'clock.

MONDAY, AUGUST 13, 1849.

A communication from the senate, by their clerk, was read as follows:

IN SENATE, AUGUST 10, 1849.

The senate have passed the bill, entitled "an act concerning the Civil Code of Virginia," part IV, with amendments, in which they request the concurrence of the house of delegates.

On motion of Mr. STOVALL,

Resolved by the general assembly of Virginia, That Thomas Green, commissioner of this state, be authorized and empowered to apply for and receive all interest, arrearages of interest, or other moneys due from the government of the United States to the state of Virginia.

Ordered, That the clerk communicate the said resolution to the senate, and request their concurrence.

On motion of Mr. STOVALL,

Ordered, That leave be given to bring in a bill to compensate the revisors for the completion of the Code of Virginia, and for other purposes, and that Messrs. Stovall, Segar, Conway, Thomas, Goodson, Darracott and Worthington, prepare and bring in the same.

Mr. STOVALL subsequently presented the following bill:

No. 532. A bill to compensate the revisors for the completion of the Code of Virginia, and for other purposes, which was read the first, and on motion the second time, and ordered to be engrossed and read a third time.

Mr. STILLMAN, from the committee on enrolled bills, reported that they had examined the enrolled bill concerning the Code of Virginia, part II, and found the same correctly enrolled.

Ordered, That the clerk communicate the said bill to the senate for further examination and signature.

No. 531. An engrossed bill concerning the publication of the Code of Virginia, was read a third time, and sundry blanks therein were filled, and then, on motion of Mr. MONCURE of Stafford, ordered to be laid upon the table.

The bill, entitled "an act concerning the Civil Code of Virginia," part III, with the senate's amendments thereto, was taken up.

The thirty-ninth, fortieth, forty-first, forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, fifty-first, fifty-second, fifty-third, fifty-fourth, fifty-sixth, fifty-seventh, fifty-eighth, sixtieth and sixty-first amendments were severally agreed to.

The forty-ninth and fiftieth amendments were severally disagreed to.

The forty-second, forty-third, fifty-fifth and fifty-ninth amendments were amended on motions severally made, and as amended agreed to.

On motion of Mr. SHEFFEY, the rule of the house was suspended, and the votes disagreeing to the twenty-sixth and twenty-seventh amendments of the senate, were reconsidered, and the house agreed to the said amendments.

Ordered, That Mr. SMITH carry the said bill to the senate, inform them of the action of this house upon their said amendments, and request their concurrence in the amendments of this house to their said amendments.

The bill, entitled "an act concerning the Civil Code of Virginia," part IV, with the senate's amendments thereto, was taken up, and the said amendments being read,

The first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, twenty-eighth, twenty-ninth, thirtieth, thirty-first, thirty-third, thirty-fourth, thirty-fifth, thirty-sixth, thirty-seventh, thirty-ninth, fortieth, forty-first, forty-second, forty-third, forty-fourth, forty-fifth, forty-sixth, forty-seventh, forty-eighth, forty-ninth, fiftieth, fifty-first, fifty-second, fifty-third, fifty-fourth and fifty-fifth amendments were severally agreed to.

The twenty-first, fifty-sixth and fifty-seventh amendments were, on motions severally made, disagreed to.

And the twenty-second, thirty-second, thirty-eighth and thirty-ninth amendments were amended on motions of Mr. MONCURE of Stafford, and Mr. SHEFFEY, and as amended agreed to.

Ordered, That the clerk inform the senate of the action of this house upon their said amendments, and request their concurrence in the amendments of the house to their amendments.

A further communication from the senate by their clerk, was read as follows :

IN SENATE, AUGUST 11, 1849.

The senate have passed the bill, entitled "an act concerning the Code of Virginia," part V, with amendments, in which they request the concurrence of the house of delegates.

The said amendments being read, the first, third, fourth, sixth and seventh were agreed to.

And the second and fifth amendments were disagreed to.

And then, on motion of Mr. THOMAS, the house adjourned until to-morrow morning 9 o'clock.

TUESDAY, AUGUST 14, 1849.

A communication from the senate by their clerk was read as follows :

IN SENATE, AUGUST 13, 1849.

The senate have agreed to the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth, sixteenth and eighteenth amendments proposed by the house of delegates to their amendments to the bill, entitled "an act concerning the Civil Code of Virginia," part III; and have disagreed to the seventeenth.

They recede from their twentieth and forty-ninth amendments to the said bill, to which the house of delegates disagreed; and insist on their twenty-first, twenty-third, twenty-fourth, twenty-fifth, twenty-sixth and fiftieth amendments to the said bill.

The bill, entitled "an act concerning the Civil Code of Virginia," part V, with the amendments thereto proposed by the senate, was taken up, and the eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, fifteenth and sixteenth amendments were severally agreed to.

Ordered, That Mr. MONCURE of Stafford inform the senate of the action of the house upon their amendments to the said bill.

The bill, entitled "an act concerning the Civil Code of Virginia," part III, with the amendments thereto proposed by the senate, and the amendments to said amendments proposed by the house, was taken up.

The seventeenth amendment of the house to the fifty-fifth amendment of the senate, to which the senate disagreed, being again read,

On motion of Mr. MONCURE of Stafford,

Resolved, That the senate be requested to appoint a committee of conference on their part, to meet a committee on the part of this house, to take into consideration the disagreement of the two houses upon the amendments to the bill concerning the Civil Code of Virginia, part III, and upon any omissions in amendments of both houses necessary to be supplied.

Ordered, That Mr. SMITH carry the said resolution to the senate, and request their concurrence.

The twenty-first amendment of the senate, to which the house disagreed and the senate insisted, being again read, on motion of Mr. SMITH, the house receded from its disagreement to said amendment, and agreed to the same.

The twenty-third amendment of the senate, to which the house also disagreed and the senate insisted, being again read, on motion of

Mr. THOMAS, the house receded from its disagreement to said amendment, and agreed to the same.

The twenty-fourth, twenty-fifth and twenty-sixth amendments were, on motion of Mr. MONCURE of Stafford, ordered to be referred to the committee of conference as soon as the same shall be announced.

The fiftieth amendment of the senate, to which the house disagreed and the senate insisted, being again read, on motion of Mr. THOMAS, the house receded from its disagreement, and agreed to the same.

No. 531. An engrossed bill concerning the publication of the Code of Virginia, was taken up on motion of Mr. LACY; thereupon, the rule of the house was suspended, and the vote ordering said bill to be engrossed was reconsidered; the same was amended on motions severally made, and as amended, ordered to be engrossed and read a third time.

No. 532. An engrossed bill to compensate the revisors for the completion of the Code of Virginia, and for other purposes, was read a third time; thereupon, a clause by way of rider thereto was submitted by Mr. MONCURE of Stafford, which was twice read, and forthwith engrossed and read a third time, and the said bill and rider was passed.

Ordered, That Mr. CONWAY carry the same to the senate, and request their concurrence.

A message was received from the senate by Mr. AMBLER, who informed the house that the senate receded from their twenty-first, and insisted on their fifty-sixth and fifty-seventh amendments to the bill, entitled "an act concerning the Civil Code of Virginia," part IV; and have agreed to the amendments proposed by the house of delegates to the senate's amendments to the twenty-second, thirty-second, thirty-eighth and thirty-ninth amendments to said bill; and have agreed to the resolution for the appointment of a committee of conference upon the amendments of both houses to the bill concerning the Civil Code of Virginia, part III, and have appointed a committee on their part.

Ordered, That the following be the committee on the part of this house under said resolution: Messrs. Moncure of Stafford, Scott, Burwell, Sheffey, Pitts, M'Donald, Worthington, Goodson, Syme, Lacy, Finney, Hiner and Brown.

A motion was made by Mr. MONCURE of Stafford, that the house adopt the following resolution:

Resolved, That a committee be appointed to bring in a bill to change the time of meeting of the next general assembly from the first Monday in December to the first Monday in January next.

A motion was made by Mr. ROBINSON to amend the same, by striking out the words "first Monday," and inserting in lieu thereof the words "second Monday."

A motion was then made by Mr. PITTS, that the farther consideration thereof be indefinitely postponed, and it was determined in the negative. Ayes 29, noes 51.

On motion of Mr. SYME, the vote was recorded as follows:

AYES—Messrs. Hopkins, (speaker,) M'Cue, Sheffey, Brown, Boak, De Camps, Forbes, Wills, Irvine of Campbell, Lacy, Irving of Cumberland, Carroll, Allen, Hiatt, Lancaster, Howard of James City, York and Williamsburg, Worthington, Edmondson, Clendenin, Pitts, Turner, Syme, Cackley, Mayo, Aston, Fugate, Pittman, Burdett and Goodson—29.

NOES—Messrs. Finney, Smith, Boisseau, Cheatham, Byrne of Braxton, Lewis and Gilmer, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Vaughan, Segar, Clarke, Thomas, Rector, Howard of Floyd, Stillman, Wood, Sydnor, Baily, Stovall, Major, Darracott, Thomson of Jefferson, Houser, Tomlin, Webb, Harris, Newman, Coleman, Whittle, Tanzey, Gustin, Robinson, Butt, Cowper, Yerby, Basye, Buswell, Hiner, Grasty, Fairfax, Rives, Harrison of Prince William, Martz, Harper, Sibert, Conway, Moncure of Stafford, Hargrave, Harvey and Boyd—51.

The said amendment was then disagreed to.

And the question being put upon agreeing to said resolution, was determined in the affirmative. Ayes 50, noes 31.

On motion of Mr. CONWAY, the vote was recorded as follows :

AYES—Messrs. Hopkins, (speaker,) Finney, Smith, Boisseau, Cheatham, M'Cue, Sheffey, Byrne of Braxton, Lewis and Gilmer, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Vaughan, Segar, Clarke, Rector, Stillman, Wood, Sydnor, Stovall, Major, Darracott, Thomson of Jefferson, Tomlin, Webb, White, Edwards of Loudoun, Harris, Newman, Coleman, Whittle, Tanzey, Gustin, Robinson, Butt, Yerby, Buswell, Hiner, Grasty, Fairfax, Rives, Harrison of Prince William, Martz, Harper, Sibert, Conway, Moncure of Stafford, Hargrave, Harvey and Boyd—50.

NOES—Messrs. Brown, Boak, De Camps, Forbes, Wills, Irvine of Campbell, Lacy, Irving of Cumberland, Thomas, Howard of Floyd, Baily, Carroll, Allen, Hiatt, Lancaster, Howard of James City, York and Williamsburg, Worthington, Houser, Edmondson, Clendenin, Cowper, Pitts, Turner, Syme, Cackley, Mayo, Aston, Fugate, Pittman, Burdett and Goodson—31.

And a committee was appointed of Messrs. Moncure of Stafford, Boyd, Smith, Barbour, Thomas, Sibert, Thomson of Jefferson, and Syme, to bring in the bill conformably with the said resolution.

Mr. MONCURE of Stafford, according to order, presented the following bill :

No. 533. A bill to change the time of meeting of the next general assembly, which was read the first and second times, and the question being put upon engrossing the same and reading it a third time, was determined in the affirmative. Ayes 48, noes 33.

On motion of Mr. ROBINSON, the vote was recorded as follows :

AYES—Messrs. Finney, Smith, Boisseau, Cheatham, Byrne of Braxton, Lewis and Gilmer, Harrison of Brunswick, Moncure of Caroline, Jones, Barbour, Segar, Clarke, Rector, Stillman, Wood, Sydnor, Stovall, Major, Darracott, Thomson of Jefferson, Tomlin, Webb, White, Edwards of Loudoun, Harris, Newman, Arnett, Coleman, Whittle, Tanzey, Gustin, Butt, Yerby, Basye, Buswell, Hiner, Grasty, Fairfax, Rives, Harrison of Prince William, Martz, Harper, Sibert, Conway, Moncure of Stafford, Hargrave, Harvey, Collins and Boyd—48.

NOES—Messrs. Hopkins, (speaker,) M'Cue, Sheffey, Brown, Boak, De Camps, Forbes, Wills, Irvine of Campbell, Lacy, Scott, Howard of Floyd, Baily, Allen, Hiatt, Lancaster, Howard of James City, York and Williamsburg, Worthington, Houser, M'Donald, Clendenin, Robinson, Cowper, Pitts, Turner, Syme, Cackley, Mayo, Dorman, Aston, Fugate, Pittman and Burdett—33.

The said bill was forthwith engrossed and read a third time, and the question being put upon its passage, was determined in the affirmative.

Ordered, That Mr. STOVALL carry the same to the senate and request their concurrence.

A message was received from the senate by Mr. SLOAN, who informed the house that the senate insisted on their second and fifth amendments to the bill, entitled "an act concerning the Code of Virginia," part V; and had adopted a resolution for the appointment of a committee of conference upon the matters of disagreement between the two houses on said bill, in which they request the concurrence of the house of delegates.

The said resolution was read as follows:

Resolved, That a free conference, by committee, be respectfully asked of the house of delegates, in relation to the matters of disagreement between the two houses on part 5th of the Code of Virginia, and that the committee have power to supply omissions, and correct such defects as may be found in said part of the Code of Virginia.

And the question being put thereupon, was determined in the affirmative.

Ordered, That Mr. SHEFFEY inform the senate thereof.

The SPEAKER announced the following as the committee on conference, under said resolution: Messrs. Scott, Moncure of Stafford, Wood, Pitts, Aston, Fairfax, Syme, Mullins, Smith, Rives, Mayo, Robinson and Worthington.

On motion of Mr. STOVALL,

Resolved, That when the house adjourns to-day, it will adjourn until to-morrow 11 o'clock.

And then, on motion of Mr. LACY, the house adjourned accordingly.

WEDNESDAY, AUGUST 15, 1849.

A message was received from the senate by their clerk which was read as follows:

IN SENATE, AUGUST 14, 1849.

The senate have agreed to the resolution for a committee of conference on the bill, entitled "an act concerning the Civil Code of Virginia," part IV, and have appointed a committee on their part.

The SPEAKER announced the following as the committee under the said resolution: Messrs. Whittle, Moncure of Stafford, Scott, Harrison of Loudoun, Conway, Sheffey, Worthington, Aston, Hiatt, Mayo, Thomas, Syme and Robinson.

A message was received from the senate by Mr. AMBLER, who informed the house that the senate had passed the bill, entitled "an act to compensate the revisors for the completion of the Code of Virginia, and for other purposes," with amendments, in which they requested the concurrence of the house of delegates.

The said amendments being read, the first, second and third were severally agreed to, and the fourth was disagreed to.

Ordered, That Mr. CONWAY inform the senate thereof.

On motion of Mr. SHEFFEY,

Resolved by the general assembly of Virginia, That the clerk of the house of delegates furnish to the public printer a copy of all amendments agreed upon by the legislature to the report of the committee on revision of the Civil Code of Virginia, and that 500 copies thereof be printed by him and distributed among the members of the present general assembly.

Ordered, That the clerk communicate the same to the senate and request their concurrence.

A motion was made by Mr. M'CUE, that the house adopt the following resolution :

Resolved, That Messrs. Robinson and Patton, or either of them, prepare an abstract of the material changes of the laws made by the Code in the laws of the commonwealth, and have the same published for distribution to members of this general assembly, in the same manner as provided by the resolution in relation to the several amendments to the Code printed by the legislature.

On motion of Mr. HINER,

Ordered, That the same be laid upon the table.

Mr. MONCURE of Stafford, from the committee of conference on the bill, entitled "an act concerning the Civil Code of Virginia," part III, presented a report, which was read as follows :

The committee of conference on the part of the house have, according to order, met a committee on the part of the senate, "to take into consideration the disagreement of the two houses upon the amendments to the bill concerning the Civil Code of Virginia, part III, and upon any omissions in amendments of both houses, necessary to be supplied," have considered the same, and submit the following report :

The committee on the part of the house proposed to the committee of the senate, that it be recommended to the senate to recede from the twenty-fourth, twenty-fifth and twenty-sixth amendments of the senate to the said bill, and from the disagreement of the senate to the seventeenth amendment of the house to the amendments of the senate to said bill (being the house's amendment to the senate's fifty-fifth amendment); in which proposition the committee of the senate concurred, except as to the said twenty-sixth amendment, in regard to which the committee of the senate disagreed to the said proposition. Then a proposition was made by the committee of the house, that it be recommended to the house of delegates to recede from their disagreement with the senate to the said twenty-sixth amendment, and to agree to the same; in which proposition the committee of the senate concurred.

Resolved, therefore, That the house of delegates recede from their disagreement to the said twenty-sixth amendment of the senate, and agree to the same.

It was further proposed by the committee of the house of delegates, that the following amendments be recommended to be adopted by both houses, as necessary to be supplied; in which proposition the committee of the senate concurred.

Amendments proposed by the Committee of Conference to the Bill, entitled "A Bill concerning the Civil Code of Virginia," Part III.

Printed Bill.	Engrossed Bill.	
P. 542, ch. 103, § 7,	P. 564, § 6, - -	At the end of section add "in the court of such county or corporation." Add also the amendment which was made in the house of delegates to the next section.
P. 542, ch. 103, § 8,	P. 564, § 7, - -	Strike out the amendment so made in the house to this section, to wit, "If any person," &c. to the end of the section.
P. 543, ch. 103, -	P. 565, § 12, - -	At the end of section add "in the court of such county or corporation."
P. 544, ch. 104, § 7, line 2, - -	P. 566, § 5, line 1, -	After "obtain," insert "or furnish him with."
P. 544, ch. 104, § 7, line 3, - -	P. 566, § 5, line 2, -	Strike out "or furnish him with the same."
P. 544, ch. 104, § 7, line 5, - -	- - - - -	After "thereof," strike out "he," and insert "such master or other person."
P. 546, ch. 105, § 4,	P. 569, § 4, next to last line, - -	Substitute "hirer" for "hiree."
P. 552, ch. 106, last section, - -	- - - - -	Being in senate's amendment, last line; after "owner," strike out "to," and insert "in."
P. 556, ch. 107, § 13,	P. 579, § 18, - -	Strike out "But," in the commencement.
P. 560, ch. 108, § 16,	P. 583, § 13, last line,	After "heirs," insert "and distributees."
P. 578, ch. 112, § 34,	P. 602, § 34, line 3,	Strike out all from "If it shall appear," inclusive, to the end of the section, and insert "or on proper affidavit, an order of publication may be entered, and the case proceeded in thereupon according to chapter 170."
P. 582, ch. 112, § 53, line 15, - -	P. 606, § 53, next to last line, - -	After "surplus," strike out "which," and insert "If the original patentee designate any part of the tract in which such surplus land may be in one piece, the breadth of which is at least one third of the length, the said surplus land shall be taken in such part. The."
P. 585, ch. 113, § 5, lines 3, 4, - -	P. 609, § 5, line 2, -	Strike out "such land," and insert "land mentioned in such list."
P. 629, ch. 122, § 22, line 2, - -	P. 649, § 22, line 1,	After "before," strike out "the day on which it shall commence and," and insert "this act is in force, but the validity and effect of such will shall be determined by the laws in force on the day before this chapter takes effect, in like manner as if those laws, so far as they relate to the subject, were herein enacted in place of such sections."
P. 630, ch. 122, § 24,	P. 649, § 24, - -	At the end, strike out "is then in his hands, or for which he is liable," and insert "he has in his hands, or is liable for."
P. 637, ch. 123, § 10,	P. 656, § 10, - -	In the amendment of the house, as amended by the senate, strike out "may have

Printed Bill.	Engrossed Bill.	
P. 637, ch. 123, § 10,	P. 656, § 10, - -	been acquired by the intestate in virtue of his marital rights, after this act shall take effect," and insert "shall be acquired after this act takes effect, by the intestate, in virtue of his marriage with her." In the 27th amendment of the senate, after "leave issue," insert "by a former marriage."
P. 645, ch. 124, § 21, line 5, - -	P. 661, § 10, line 3,	Make "the" "each."
P. 661, ch. 129, -	P. 677, ch. 129, -	In the heading of the chapter insert "insane persons" after "wards."
P. 662, ch. 129, § 2,	P. 678, § 2, - -	In the heading of the section, insert "and insane persons" after "minors."
Do. do. -	Do. - -	Insert "or insane person" after "minor;" and after "ward," wherever either occurs in this section. Also insert "or committee" after "guardian," wherever the word occurs in this section.
P. 663, ch. 129, § 3,	P. 678, § 3, - -	Insert "or insane person" after "ward;" also "or insane persons" after "wards;" and "or committee" after "guardian," where the same occur in this section.
P. 664, ch. 129, § 6,	P. 679, § 5, 7, -	After "guardian," insert "or committee," in each of the sections.
P. 669, ch. 130, § 22, line 2, - -	P. 686, § 23, line 2,	Strike out "twenty-first," and insert "fourteenth."
P. 678, ch. 132, § 3,	P. 691, § 3, - -	In the commencement of section, strike out "Every such fiduciary," and insert "Every personal representative, guardian, curator or committee."
Id. line 2, - -	P. 692, § 3, top line,	After "authority," insert "or if his authority was derived before the commencement of this act, and he shall not before have done so within four months after such commencement."
P. 678, ch. 132, § 4,	P. 692, § 4, - -	At the end of section, strike out "all claims to his commissions," and insert "his commissions on such sales."
P. 679, ch. 132, § 6, line 6, - -	P. 692, § 6, line 1, -	Strike out "fiduciary mentioned in the first section," and insert "personal representative, guardian, curator or committee."
P. 679, ch. 132, § 7, lines 1, 2, - -	P. 693, § 7, line 1, -	Strike out "fiduciary mentioned in the first section," and insert "personal representative, guardian, curator or committee."
P. 679, ch. 132, § 7, line 3, - -	P. 693, § 7, line 2, -	After "year," insert "from the commencement of this act, or if his authority be derived hereafter, within one year."
P. 679, ch. 132, § 7, line 8, - -	P. 693, § 7, line 6, -	After "order was made," insert "confering his authority."
P. 679, ch. 132, § 8, line 1, - -	P. 693, § 8, line 1, -	Insert "such," before "fiduciary."
P. 679, ch. 132, § 8, line 11, - -	P. 693, § 8, lines 6, 7,	Strike out "there shall be no allowance of," and insert "he shall have no."
P. 680, ch. 132, § 9, line 1, - -	P. 694, § 9, line 1, -	Insert "such," before "fiduciary."

Printed Bill.	Engrossed Bill.	
P. 680, ch. 132, § 10, line 1, - -	P. 694, ch. 132, § 10, line 1, - -	Strike out "fiduciary mentioned in the first section," and insert "personal representative, guardian, curator or committee."
P. 682, ch. 132, § 14, lines 7, 8, 9, -	P. 696, ch. 132, § 14, lines 5, 6, - -	Strike out "every county or corporation over which the court, whereby he is appointed, has jurisdiction," and insert "the county or corporation for or in which the court is held, whereby he is appointed."
P. 683, ch. 132, § 16, line 11, - -	P. 697, ch. 132, § 16, line 3 from top, -	After "deed," insert "or other instrument."
P. 683, ch. 132, § 17, -	P. 697, § 17, - -	In the commencement, insert: "When a commissioner has before him for settlement the account of a fiduciary for any year, if there be any time prior to such year, for which the fiduciary has not settled according to the laws in force, before this chapter takes effect, the settlement shall be also for such time."
P. 687, ch. 132, § 34, line 11, - -	P. 701, ch. 132, § 32, line 7, - -	After "published," insert "once a week."
Id. line 13, - -	Id. line 8, - -	Strike out "each county or corporation over which the court has jurisdiction," and insert "the county or corporation for or in which the court is held."
P. 688, ch. 132, § 34, line 16, - -	P. 701, § 32, lines 9 and 10, - -	Insert "or after," before the words "the day named in the order;" and after those words, strike out "or the day thereafter."
P. 688, ch. 132, § 33, on page 7 of house amendment, -	P. 701, § 33, line 3, -	Strike out "if the," before "county or corporation," and insert "such removal from the corporation court of Richmond, or the court of Henrico county, shall be to the circuit court of chancery for that county. If any."
P. 703, ch. 138, § 3, -	P. 718, § 3, - -	In commencement of section, insert: "In conveyances or devises of rents in fee with powers of distress and re-entry, or either of them, such powers shall pass to the grantee or devisee without express words." Strike out of chapter 140 what is to be so inserted in chap. 138, § 3.
Id. lines 1, 3, - -	Id. lines 1, 2, - -	After "grant," insert "or devise," in two places.
P. 705, ch. 138, § 10, line 5, as amended, -	P. 720, § 10, line 3, -	Strike out "leased premises," and insert "premises yielding the rent."
P. 707, ch. 138, in new sections introduced by the house, -	P. 722, § 16 to 25, in- clusive, - -	Strike out "or tenements," wherever they occur in these sections; strike out "among the land records," and insert "in the deed book;" and in the last sec-

Printed Bill.	Engrossed Bill.	
P. 710, ch. 141, -	P. 726, § 8, - -	tion, strike out "passage," and insert "commencement."
P. 710 to 714, ch. 141, -	P. 726, - - -	At the end of the section, add: "But such bill shall be filed within five years after the receipt of the illegal interest."
P. 717, ch. 142, last section, - -	- - - -	Strike out section introduced by the senate, after the 8th, and insert it after the 5th. Amend last section of the chapter, so as to read, "If a person take for the loan or forbearance of money, or other thing, interest at a greater rate than is allowed by law, he shall forfeit double the value of such money, or other thing; and the informer shall have one half of what is so forfeited."
P. 748, ch. 150, § 1, lines 1, 2, - -	P. 752, § 1, line 1, -	After "shall not sue for," strike out balance of the section, and insert "the same within three months from the time of the payment or delivery thereof, and recover back such money or property, any other person may sue the winner for and recover from him treble the value thereof. One half of what is so recovered, shall be for himself, and the other half for the commonwealth."
P. 748, ch. 150, § 1, line 4, - -	P. 752, § 1, line 3, -	Strike out "forfeiture," and strike out "penalty."
P. 748, ch. 150, § 4, -	P. 753, § 4, as amended by senate, -	After "shall," strike out "if," and insert "where the claim is to a fine, if it be limited to an amount not exceeding twenty dollars, and in other cases if the claim be."
P. 748, ch. 150, § 8, line 5, - -	P. 754, § 8, line 4, -	In amendment of senate, at the end of the section, strike out "due on the," and insert "or." Before "or value," strike out "sum," and insert "amount." In the two last lines, strike out "in other cases originating in the said court," and insert "as if it were a motion in said court, under the 5th section of chapter 167, of which the notice was docketed at the time such case is so docketed."
P. 748, ch. 150, § 5, -	- - - -	Strike out "according to the principles of law and equity," where they last occur in the section, and insert "on the like principles."
P. 750, ch. 150, § 9, -	P. 754, § 9, line 3, -	After "forty," strike out "days," and insert "sixty days, as the case may be."
		In amendment of senate, after "warrant issued," insert "or on any writing allowed as a set-off."
		Strike out all after "designate," and insert "and shall be returnable within sixty days. If not wholly satisfied, it may within one year from the judgment, be returned to and renewed by a justice, notwithstanding the provisions of chapter 49. But every execution issued by a justice, which is not so returned and renewed, shall be returned by the con-

Printed Bill.	Engrossed Bill.	
P. 751, ch. 150, § 13,	P. 756, § 13, - -	stable to the clerk's office of the court by which he was appointed."
P. 753, ch. 150, § 18, line 17, - -	P. 757, ch. 150, § 17, next to last line, -	At the end of this section, add: "This section shall not prevent a motion in court under chapter 49, or under the 4th section of chapter 167."
P. 753, ch. 151, § 3,	P. 759, § 3, - -	Strike out "15th," and insert "14th."
	P. 759, § 3, line 2, -	Strike from caption the word "absconding," and the words "from leased premises."
P. 753, ch. 151, § 3,	P. 759, § 3, lines 4, 5,	Strike out "before his claim is payable," and insert "whether his claim is payable or not."
P. 755, ch. 151, § 8,	P. 761, § 8, - -	Strike out "it shall become payable," and insert "judgment is obtained therefor, should only the ordinary process of law be used to obtain such judgment."
P. 760, ch. 151, § 19,	P. 765, § 20, - -	At the end of this section, add: "When such bond is given, the fact shall be endorsed on the attachment or certified by the clerk or justice to the officer, who shall return the said certificate with the attachment; and the bond, when taken by a justice, shall be returned by him to and filed in the clerk's office of the court to which the attachment is returnable."
P. 762, ch. 151, § 26, line 14, - -	P. 767, § 27, line 9,	Strike out this section and insert: "When any attachment, except under the 3d or 4th section, is returned executed, an order of publication shall be made against the defendant against whom the claim is, unless he has been served with a copy of the attachment, or with process in the suit in which the attachment issued."
		After "in which the," strike out balance of section and insert, "petitioner, or his decedent, was served with a copy of the attachment, or with process in the suit wherein it issued, more than sixty days before the date of the judgment or decree, or to any case in which he appeared and made defence."

Resolved, therefore, That the senate agree to and adopt the foregoing amendments.

The said resolutions and amendments being read, were severally agreed to.

Ordered, That the clerk inform the senate thereof.

Mr. SCOTT, from the committee of conference on the bill, entitled "an act concerning the Code of Virginia," part V, presented a report, which was ordered to be laid upon the table.

A further communication from the senate by their clerk was read as follows:

IN SENATE, August 15, 1849.

The senate recede from their fourth amendment to the bill, entitled "an act to compensate the revisors for the completion of the Code of

Virginia, and for other purposes," (No. 532,) to which the house of delegates disagreed.

They have agreed to the resolution providing for printing and distributing certain amendments to the Code of Virginia.

And their committee appointed to examine the enrolled bills have examined the bills "concerning the Civil Code of Virginia," part I, and part II, which being found truly enrolled, have been signed by their speaker, and are herewith returned to the house of delegates.

A message was received from the senate by Mr. AMBLER, who informed the house that the senate agreed to the recommendation of the committee of conference, and to the amendments proposed by them to the bill, entitled "an act concerning the Code of Virginia," part V.

The report of the said committee was then taken up and read as follows:

The committee of conference on the part of the senate have, according to order, met a committee on the part of the house to take into consideration the disagreement of the two houses upon the amendments to the bill concerning the Civil Code of Virginia, part V, and upon any omissions in amendments of both houses necessary to be supplied, have considered the same, and submit the following report:

The committee on the part of the house proposed to the committee of the senate that it be recommended to the senate to recede from the second and fifth amendments of the senate to the said bill, and that it be recommended to both houses to adopt the following amendments to the said bill; in which proposition the committee of the senate concurred:

Amendments proposed by the Committee of Conference to the Bill concerning the Code of Virginia, Part V.

Printed Bill.	Engrossed Bill.	
P. 942, § 11, line 2,	P. 924, § 12, lines 1, 2,	Strike out "in any place of public resort in any city or town," and insert "in any street in a town, or in any place of public resort, whether in a town or elsewhere."
P. 947, § 25, - -	P. 927, § 26, - -	Strike out "20th, 21st, 22d and 25th," and insert "19th, 20th, 21st or 24th."
P. 955, 6, ch. 192, § 20, lines 3, 4, 5, -	P. 931, § 20, lines 2, 3,	Strike out "or of any private persons or partnership, except apprentices and other persons under the age of 18 years."
P. 976, ch. 198, § 1,	P. 951, ch. 198, § 1, next to last line,	Make "34," "32d."
P. 986, ch. 199, § 11, line 6, - -	P. 962, ch. 199, § 11, line 4, - -	Insert "except that," before "a prosecution."
Id. line 8, - -	Id. line 6, - -	Strike out "but," and insert "and except also that."
P. 989, § 23, line 2,	P. 965, § 26, line 2,	Strike out "the," before "penitentiary," and insert "a."
P. 989, ch. 199, last section, - -	P. 965, § 29, line 1,	Strike out "19 or 20," and insert "18 or 19."

Printed Bill.	Engrossed Bill.	
P. 990, ch. 200, § 5,	P. 966, ch. 200, § 5, line 1, - -	Strike out "white person," and insert "negro."
Do. do.	P. 966, ch. 200, § 5, line 3, - -	Strike out "after," before "having been once sentenced for."
	Id. line 3, - -	After "commit," strike out "any such offence," and insert "an offence for which a free negro, if he had committed it, might be punished by such confine- ment."
P. 994, ch. 201, § 10,	P. 970, § 10, line 7,	After "enter into a recognizance," strike out to "legally discharged," inclusive, and insert "to keep the peace and be of good behaviour for a time not exceeding one year."
P. 1019, § 10,	P. 996, § 10, line 5,	Strike out the words "out of the treasury on the order of the court." At the end of the section add "such jurors shall be forthwith paid by the officer of the court, and he shall be repaid out of the trea- sury on the order of the court."
P. 1022, § 28, -	P. 1000, - -	At the end of the section add "whether it be felony or misdemeanor."
P. 1023, § 32, -	Do. - -	Make the amendment of the senate to this section a separate section. Strike out "and," at the beginning, and number that and the succeeding sections accord- ingly. In the said amendment, make "an," "any," after "but guilty of."
P. 1030, § 2, line 2,	P. 1006, § 2, line 2,	After "jail," strike out "and."
Id. line 4, - -	Id. line 3, - -	After "jail," insert "it shall."
P. 1032, § 13, - -	P. 1008, § 9, § 13, -	Strike out to "But," inclusive.
P. 1036, § 7, line 2,	P. 1014, § 7, line 1,	After "term to term," strike out "But if it," and insert "and if a trial be com- menced at any term, such term may be extended until the trial is concluded. But if any such case."
P. 1039, § 1, - -	P. 1018, § 1, - -	After "held in Virginia," strike out "shall," and insert "may."
P. 1047, § 31, line 10,	P. 1023, § 31, - -	Strike out "170," and insert "176."

Resolved, That the senate agree to and adopt the foregoing amend-
ments.

The said resolution and amendments were severally agreed to.

Ordered, That the clerk inform the senate thereof.

Mr. WHITTLE, from the committee of conference on the bill, entitled
"an act concerning the Civil Code of Virginia," part IV, presented a
report, which was read as follows:

The committee of conference on the part of the house have, accord-
ing to order, met a committee on the part of the senate, to take into
consideration the disagreement of the two houses upon the amend-
ments to the bill concerning the Civil Code of Virginia, part IV, and
upon any omissions in any amendments of both houses, necessary to
be supplied, have considered the same, and submit the following re-
port:

The committee on the part of the house proposed to the committee
of the senate that it be proposed to the senate to recede from the fifty-

sixth and fifty-seventh amendments of the senate to the said bill, and that it be recommended to both houses to adopt the following amendments to the said bill; in which proposition the committee of the senate concurred:

Amendments by the Committee of Conference to the bill "concerning the Code of Virginia." Part IV.

Printed Bill.	Engrossed Bill.	
P. 789, ch. 157, § 4,	P. 779, § 4, - -	At the commencement of the section insert: "In a county or corporation court."
Do. do. lines 1, 2,	P. 779, § 4, line 1, -	Strike out "In a county or corporation court."
Do. do. § 5, -	P. 779, § 5, - -	Strike out this section.
P. 816, ch. 162, § 9,	P. 795, § 9, line 4, -	Strike out "ten," and insert "eight."
line 7, -	P. 797, ch. 162, § 19,	Strike out this section.
P. 818, ch. 163, § 2,	P. 798, § 2, line 2, -	After "removed from office," strike out "of," and insert "except as hereinafter provided for in the 3d and 5th sections, but may act as."
Do. do. do.		After "appointed," strike out balance of section and insert "unless removed as so provided for."
Do. do. do.	P. 798, § 2, line 3, -	Before "any witness," strike out "summon," and insert "issue or cause to be issued a summons."
P. 830, ch. 166, § 8,	P. 809, § 8, line 4, -	At the end of this section add: "A motion under this section, which is docketed under the first section of chapter 177, shall not be discontinued by reason of no order of continuance being entered in it from one day to another, or from term to term."
P. 832, ch. 167, § 5,	P. 813, § 5, - -	After "brought," strike out "and," before "any process."
P. 835, ch. 170, § 2,	P. 816, § 2, line 4, -	Strike out "defendants," and insert "persons named."
P. 836, ch. 170, § 6,	P. 817, § 6, line 4, -	
line 5, - -		
P. 838, ch. 170, § 13,	P. 820, § 13, line 3	Strike out "file his," and insert "plead or."
line 9, - -	from top, - -	
P. 854, in new section,	P. 834, § 9, line 5, -	Strike out "special," before "plea."
after 8th, - -	P. 834, § 9, line 7, -	Strike out "special plea," and insert "plea or account of set-off."
Do. do. do.		
P. 857, ch. 174, § 3,	P. 837, § 3, line 2, -	After "circuit court," insert "or to the court of the county or corporation for which the former circuit court is held."
line 3, - -		
P. 857, ch. 174, § 3,	P. 837, § 3, line 5, -	After "trial of the cause," strike out balance of the section.
line 8, - -		
P. 857, ch. 175, § 2,	P. 837, § 2, line 1, -	After "chancery," insert "or for stating accounts."
line 2, - -		Strike out "any," before "court," and insert "the same."
Do. do. do. line 4,	P. 837, § 2, last line,	Strike out "appointed by the court ordering the accounts so to be taken," and insert "so appointed."
Do. do. § 3, line 2,	P. 837, § 3, lines 1, 2,	
P. 865, ch. 176, § 20,	P. 846, § 20, line 5,	Strike out "shall," and insert "may."
line 7, - -		

Printed Bill.	Engrossed Bill.	
P. 865, ch. 176, § 20, line 10, - -	P. 846, § 20, line 7,	After "desired," insert "or if it be desired before a justice by such, or any other justice."
P. 867, ch. 176, § 29,	P. 849, § 29, line 8,	Strike out "when," and insert "unless;" and after "United States," insert "in which case."
Do. do. do.	P. 849, § 29, line 9,	After "certificate," insert "shall be received;" and after "authentication," strike out balance of section and insert "of his signature."
P. 877, ch. 176, § 1, line 2, - -	P. 860, § 1, line 2, -	Strike out "belonging."
P. 885, ch. 182, § 3, line 8, - -	P. 871, § 3, line 6, -	After "order," insert "whether the commonwealth be a party or not, which shall have been."
P. 906, ch. 184, § 24, line 1, - -	P. 896, § 24, line 1,	Strike out "fees are due that are," and insert "for fees or attendance, any thing is due that is."
Same section, line 5,	Same section, line 3,	After "such fees," insert "or certificate for such attendance."
P. 906, § 24, line 6,	P. 896, § 24, line 3,	After "witness for," strike out "fees," and insert "what is."
Do. do. line 9,	Do. do. bottom line,	After "whose fees," strike out "are," and insert "or certificate may be."
Do. do. line 15, P. 927, ch. 188, § 5, lines 5, 6, - -	P. 897, line 3 from top,	Make like amendment.
	P. 915, § 5, lines 3, 4,	In place of the words (in the printed bill) "commissioner of a circuit court," insert "commissioner of a circuit, county or corporation court."
Same section, line 15,	Same section, line 9 to line 11, - -	After "appointed," strike out to the words "after service," in 18th line of printed bill, and insert "and said court."
P. 920, § 12, line 7, Do. do. line 8,	P. 907, § 12, line 4, P. 907, § 12, line 5,	In senate's 54th amendment, strike out "clerk," in two places, and insert "commissioner."
P. 927, § 5, line 7, P. 929, § 12, line 4,	P. 915, § 5, line 4, - P. 917, § 12, line 3,	Strike out "14." Strike out "and 18th," and insert "18th and 19th." Strike out "37th," and insert "38th." Strike out "17th and 18th," and insert "18th and 19th."

Resolved, That the house of delegates agree to and adopt the aforesaid amendments.

The said resolution and amendments were severally agreed to.

Ordered, That Mr. WHITTLE inform the senate thereof.

No. 531. An engrossed bill to provide for the publication of the Code of Virginia, and for other purposes, was taken up, read a third time and passed.

Ordered, That Mr. WHITTLE carry the same to the senate and request their concurrence.

On motion of Mr. MONCURE of Stafford,

Ordered, That the hour of meeting be changed to 1 o'clock to-morrow, P. M.

And then, on his motion, the house adjourned till that hour.

THURSDAY, August 16, 1849.

A communication from the senate by their clerk was read as follows :

IN SENATE, August 15, 1849.

The senate have passed the bill, entitled

"An act to provide for the publication of the Code of Virginia, and for other purposes," with amendments, in which they request the concurrence of the house of delegates.

The said amendments being read, were severally agreed to, and it was ordered that the clerk inform the senate thereof.

On motion of Mr. MONCURE of Stafford,

Ordered, That the committee on enrolled bills be increased by the addition of the following members: Messrs. Harrison of Loudoun, Whittle, and Moncure of Stafford.

On motion of Mr. SCOTT,

Ordered, That leave be given to bring in a bill to increase the compensation to the proprietors of the Fauquier Springs for rooms and furniture used by the general assembly during its present session, and that Messrs. Scott, Pannill, Mullins, Whittle, Harrison of Loudoun, Worthington, Dorman, Tomlin, Hiner and Newman prepare and bring in the same.

Mr. SCOTT, according to order, presented the following bill :

No. 534. A bill to increase the compensation to the proprietors of the Fauquier Springs for the rooms and furniture used by the general assembly during its present session, which was read the first time, and on motion of Mr. JONES, ordered to be laid upon the table.

On motion of Mr. STROTHER,

Resolved unanimously, That the thanks of this house are hereby tendered to the SPEAKER for the efficient, dignified and impartial manner in which he has presided over its deliberations.

On motion of Mr. PANNILL, the house adjourned until to-morrow 1 o'clock P. M.

FRIDAY, August 17, 1849.

Mr. STILLMAN, from the committee on enrolled bills, reported that the committee had examined the bills, entitled "an act concerning the Civil Code of Virginia," part III; "an act concerning the Civil Code of Virginia," part IV, and "an act concerning the Code of Virginia," part V, and found them truly enrolled.

Ordered, That the clerk communicate the same to the senate for further examination and signature.

On motion of Mr. WHITTLE,

Resolved, That when this house adjourns to-day, it will, with the consent of the senate, adjourn *sine die*.

Ordered, That Mr. WHITTLE carry the same to the senate and request their concurrence.

Mr. STILLMAN, from the committee on enrolled bills, reported that they had examined all the bills passed during the present session, and found them truly enrolled.

Ordered, That Mr. STILLMAN carry the same to the senate for further examination and signature.

A message was received from the senate by Mr. TYLER, who informed the house that the senate concurred in the resolution for the adjournment of the house of delegates *sine die*; and had adopted a resolution for the adjournment of the senate, in which they requested the concurrence of the house of delegates.

The said resolution was read as follows:

Resolved, That when the senate adjourns to-day, it will, with the consent of the house of delegates, adjourn until the first Monday in December next, to meet at the capitol in the City of Richmond.

And the question being put thereupon, was determined in the affirmative.

Ordered, That Mr. M'CUE inform the senate thereof.

A message from the senate by their clerk was read as follows:

IN SENATE, AUGUST 17, 1849.

The committee on enrolled bills on the part of the senate have examined the enrolled bills, entitled "an act concerning the Civil Code of Virginia," part III; "an act concerning the Civil Code of Virginia," part IV, and "an act concerning the Code of Virginia," part V, and all the bills which have been passed during the present session, and having found them correctly enrolled, they have been signed by the speaker of the senate, and are herewith returned for signature by the speaker of the house of delegates.

The SPEAKER then signed the following enrolled bills:

An act changing the time for the first election of trustees for the town of Hampton, and for other purposes.

An act concerning the town of Portsmouth.

An act concerning the general court.

An act authorizing the election of common councilmen in the town of Warrenton.

An act restricting the catching of oysters in the waters within the limits of the county of Mathews.

An act to take the sense of the citizens of Wayne county upon the removal of the seat of justice of said county.

An act concerning the Civil Code of Virginia, part I.

An act concerning the Civil Code of Virginia, part II.

An act concerning the Civil Code of Virginia, part III.

An act concerning the Civil Code of Virginia, part IV.

An act concerning the Code of Virginia, part V.

An act to compensate the revisors for the completion of the Code of Virginia, and for other purposes; and

An act to provide for the publication of the Code of Virginia, and for other purposes.

Ordered, That Mr. MONCURE of Stafford inform the senate that the house is now ready to adjourn *sine die*.

A message was received from the senate by Mr. AMBLER, who informed the house that the senate were ready to adjourn until the first Monday in December next.

And then, on motion of Mr. HINER, the house adjourned *sine die*.

HOUSE OF DELEGATES OF VIRGINIA, 1848-49.

<i>Accomack</i> ,	L. C. H. Finney,	<i>Essex</i> ,	Thomas N. Clarke.
<i>Albemarle</i> ,	Littleton Nock.	<i>Fairfax</i> ,	Henry W. Thomas.
	William D. Hart,	<i>Fauquier</i> ,	Robert E. Scott,
	Egbert R. Watson.		Alfred Rector.
<i>Alexandria</i> ,	Francis L. Smith.	<i>Fayette &</i>	} Fielding M'Clung.
<i>Alleghany</i> ,	Douglass B. Layne.	<i>Nicholas</i> ,	
<i>Amelia</i> ,	P. F. Boisseau.	<i>Floyd</i> ,	Joseph L. Howard.
<i>Amherst</i> ,	Paulus Powell.*	<i>Fluvanna</i> ,	George Stillman.
<i>Appomattox</i> ,	Zac. E. Cheatham.	<i>Franklin</i> ,	N. C. Claiborne,
<i>Augusta</i> ,	J. M. M'Cue,		W. H. Edwards.
	Hugh W. Sheffey.	<i>Frederick</i> ,	Algernon R. Wood,
<i>Bath and</i>	} Andrew H. Byrd.†		R. M. Sydnor.
<i>Highland</i> ,		<i>Giles and Mercer</i> ,	Elijah P. Bailly.
<i>Bedford</i> ,	R. C. Mitchell,	<i>Gloucester</i> ,	Thomas C. Clopton.
	William M. Burwell.	<i>Goochland</i> ,	Charles Guerrant.
<i>Berkeley</i> ,	Charles J. Faulkner,	<i>Grayson &</i>	} John Carroll.
	William L. Boak.	<i>Carroll</i> ,	
<i>Botetourt</i> ,	Robt. M. Hudson.‡	<i>Greenbrier</i> ,	Samuel Price.
<i>Brazton, Lewis</i>	} B. W. Byrne.	<i>Greensville</i> ,	Henry Maclin.
<i>and Gilmer</i> ,		<i>Halifax</i> ,	Jonathan B. Stovall,
<i>Brooke and</i>	} T. J. De Camps.		Samuel B. Major.
<i>Hancock</i> ,		<i>Hampshire</i> ,	James Allen,
<i>Brunswick</i> ,	John F. Maclin,		Asa Hiatt.
	Geo. W. Harrison.	<i>Hanover</i> ,	Rich'd F. Darracott.
<i>Buckingham</i> ,	George W. Kyle.§	<i>Hardy</i> ,	F. B. Welton.
<i>Cabell, Putnam</i>	} Frederick Moore.	<i>Harrison and</i>	} Benjamin Bassel, jr.
<i>and Wayne</i> ,		<i>Doddridge</i> ,	
<i>Campbell</i> ,	John Wills,	<i>Henrico</i> ,	John A. Lancaster.
	James Irvine.	<i>Henry</i> ,	P. H. Mullins.
<i>Caroline</i> ,	Wm. A. Moncure.	<i>Isle of Wight</i> ,	Francis M. Boykin.
<i>Charles City &</i>	} Richmond T. Lacy.	<i>Jas. City, York</i>	} William Howard.
<i>New Kent</i> ,		<i>& Williams'b'g</i> ,	
<i>Charlotte</i> ,	Wyatt Cardwell.	<i>Jefferson</i> ,	W. C. Worthington,
<i>Chesterfield</i> ,	Alexander Jones.		John A. Thomson.
<i>Culpeper</i> ,	John S. Barbour, jr.	<i>Kanawha</i>	} James M. Laidley.
<i>Cumberland</i> ,	Henry P. Irving.	<i>and Putnam</i> ,	
<i>Dinwiddie</i> ,	Benj. B. Vaughan.	<i>King George</i> ,	Robert Wallace.
<i>Elizabeth City</i>	} Joseph Segar.	<i>King & Queen</i> ,	James R. Houser.
<i>& Warwick</i> ,		<i>King William</i> ,	Harrison B. Tomlin.

* William Dillard elected in place of Paulus Powell, resigned—qualified June 25th.

† James Brown elected to supply vacancy occasioned by resignation of Andrew H. Byrd, and qualified at extra session.

‡ Elected in lieu of John W. Thompson, who died 8th February.

§ Resigned June 1st, and William W. Forbes elected in his place—qualified 19th June.

<i>Lancaster & Richmond,</i>	} William Webb, jr.	<i>Pittsylvania,</i>	George Townes,
<i>Lec,</i>	Michael B. D. Lane.	<i>Pocahontas,</i>	Thomas Grasty.
<i>Logan & Boone,</i>	James H. Ferguson.	<i>Powhatan,</i>	William Cackley.
<i>Loudoun,</i>	Robert J. T. White,	<i>Preston,</i>	Henry L. Hopkins.
	Burr W. Harrison,	<i>Princess Anne,</i>	Buckner Fairfax.
	Lewis Beard.*	<i>Prince Edward,</i>	Ed. H. Herbert.
<i>Louisa,</i>	William O. Harris.	<i>Prince George,</i>	Wm. T. Wootton.
<i>Lunenburg,</i>	Upton Edmondson.	<i>Prince William,</i>	Robert G. Rives.
<i>Madison,</i>	Morris D. Newman.	<i>Randolph & Barbour,</i>	Benoni E. Harrison.
<i>Marion,</i>	James P. Arnett.		} David Goff.
<i>Marshall,</i>	Wm. R. M'Donald.	<i>Rappahannock,</i>	James F. Strother.
<i>Mathews and Middlesex,</i>	} Alex. K. Shepard.	<i>Richmond City,</i>	Joseph Mayo.
<i>Mason, Putn'm, Wirt & Jackson,</i>	} Charles Clendenin.	<i>Roanoke,</i>	William M. Cook.
<i>Mecklenburg,</i>	Henry E. Coleman,	<i>Rockbridge,</i>	J. B. Dorman,
	Stephen D. Whittle.	<i>Rockingham,</i>	J. G. Paxton.
<i>Monongalia,</i>	Caleb Tanzey.	<i>Russell,</i>	Hiram Martz,
<i>Monroe,</i>	Christ. J. Beirne.	<i>Scott,</i>	Addison Harper.
<i>Montgomery & Pulaski,</i>	} David Barnett.	<i>Shenandoah,</i>	William B. Aston.
<i>Morgan,</i>	Robert C. Gustin.		Ira Fugate.
<i>Nansemond,</i>	John R. Kilby.	<i>Smyth,</i>	Philip Pittman,
<i>Nelson,</i>	Charles Perrow.	<i>Southampton,</i>	George W. Sibert.
<i>Norfolk City,</i>	E. C. Robinson.	<i>Spottsylvania,</i>	H. B. Thompson.
<i>Norfolk County,</i>	Thomas B. Butt,	<i>Stafford,</i>	Robert G. Griffin.
	L. C. P. Cowper.	<i>Surry,</i>	Eustace Conway.
<i>Northampton,</i>	George T. Yerby.	<i>Sussex,</i>	R. C. L. Moncure.
<i>Northumberland,</i>	Thomas Basye.	<i>Taylor,</i>	David Hargrave.
<i>Nottoway,</i>	Edwin G. Booth.	<i>Tazewell,</i>	John E. Nicholson.
<i>Ohio,</i>	William Pitts.	<i>Tyler, Doddridge & Wetzel,</i>	John S. Burdett.
<i>Orange and Greene,</i>	} George Pannill, jr.	<i>Warren and Clarke,</i>	Harvey George.
<i>Page,</i>	Thomas Buswell.		} Josiah Boyers.
<i>Patrick,</i>	Crawford Turner.	<i>Washington,</i>	Edmund W. Massey.
<i>Pendleton and Highland,</i>	} Benjamin Hiner.	<i>Westmoreland,</i>	Sam'l E. Goodson.†
<i>Petersburg,</i>	John W. Syme.	<i>Wood, Wirt, Ritchie and Doddridge,</i>	Joseph F. Harvey.
		<i>Wythe and Pulaski,</i>	} Henry B. Collins.
			} Thomas J. Boyd.

* Thomas W. Edwards elected to supply vacancy created by resignation of Lewis Beard—qualified at extra session.

† Qualified 24th January—elected in lieu of John B. Floyd, elected governor.

INDEX.

A

ABINGDON.

Petition for a savings bank,	303
ABINGDON SAVINGS BANK.	
Bill to incorporate it, (No. 436,)	319
Read twice, amended and to be engrossed,	464
Passed,	485
Passed by senate with amendments,	505
Amendments agreed to by house,	505
ABNER CLOPTON DIVISION SONS	
OF TEMPERANCE.	
Petition to hold real estate,	335
Laid on table,	483

ABSENCE.

Members not to be absent without leave, (rule 1,)	4
Not to vote unless present, (rule 7,)	4
Granted to Mr. Barnett,	438
Granted to Mr. Coleman,	493
To Mr. Laidley,	557
To Mr. Moore,	558
Mr. Lane of Lee,	613
Messrs. Thompson of Smyth, and Mitchell,	646
Mr. Edwards of Franklin,	646
To Mr. Griffin,	633

ABSTRACT.

From reports of clerks of courts,	37
Printed. Doc. No. 25,	38

ACADEMIES.

Resolution to report bill of last session,	80
Bill to incorporate the Red Oak academy of Brunswick, (No. 85,)	122
To be engrossed,	127
Passed,	130
Passed by senate,	149
Resolution to amend charter of Reedy spring academy,	132
Bill to incorporate it, (No. 185,)	162
Read first time,	295
To be engrossed,	311
Passed,	323
See <i>Buffalo Academy.</i>	
See <i>Colleges.</i>	
See <i>Jacksonville Academy.</i>	
See <i>Mount Pleasant Academy.</i>	
See <i>Weston Academy.</i>	
See <i>Williamsburg Academy.</i>	

ACCOMACK COUNTY.

Resolution for dividing county,	38
Petition therefor,	57, 129
Memorials against it,	132, 197
Bill to establish new county, (No. 157,)	178
To be engrossed,	210
Passed; vote recorded,	218

Rejected by senate,	307
Resolution to arm citizens of county to enforce laws concerning oysters,	394
Motion to amend; vote on resolution,	394
Agreed to by senate,	446
See <i>Fishing.</i>	

ACCOUNTS.

See <i>Merchants' Accounts.</i>	
Resolution to amend laws to give judgments for defendants where account exceeds that of plaintiffs,	206, 207
Reported on,	219, 266
Acted on,	357

ACKNOWLEDGMENT OF DEEDS.

Amendment to Code relative thereto, by married women,	574
As to number of justices therefor,	574

ACTIONS FOR INJURIES.

Amendment to Code relative to actions by families for injuries to one of family,	592
--	-----

ACTIONS FOR WORDS.

Amendment to Code relative to actions for insulting words,	579
--	-----

ACTS OF ASSEMBLY.

To be published by clerk, (rule 19,)	5
Of session, to be printed and distributed,	497, 498
Number of bills to be preserved by clerk,	498
Resolutions agreed to by senate,	505
To be distributed to members,	525
Agreed to by senate,	527

ADAMS, (PETER.)

Resolution for paying his claim,	154
Laid on table,	454

ADELPHI LODGE OF ODD FELLOWS.

Leave to withdraw petition to incorporate lodge,	42
Again presented,	42
Reported on,	111
Acted on,	111

ADJOURNED SESSION.

Report of committee on revision, recommending it,	220, 221, 222
Votes on resolutions recorded,	222
Agreed to by senate,	270
Resolution to hold it at White Sulphur springs, indefinitely postponed,	297
Resolution to fix day of meeting,	338
Motion to amend it,	338
Postponed indefinitely; vote recorded,	338
Resolution to adjourn from 15th March to 28th May,	410
Motion to lay on table; vote recorded,	410
Resolution adopted; vote thereon,	410, 411

ADJOURNMENT.

What number may adjourn, (rule 9,) 4	Amended and adopted; vote thereon, 521
When house adjourns, speaker to pass first, (rule 10,) 4	Passed by senate, 524
House adjourns daily, 32, 36, 43, 47, 51, 55, 58, 62, 69, 73, 78, 83, 90, 91, 97, 100, 102, 104, 105, 108, 110, 114, 117, 121, 124, 127, 131, 135, 139, 143, 146, 148, 152, 155, 158, 161, 165, 168, 175, 181, 185, 189, 195, 196, 204, 212, 215, 219, 223, 228, 232, 237, 259, 265, 269, 271, 275, 280, 284, 296, 301, 306, 312, 319, 323, 327, 329, 330, 333, 337, 353, 376, 383, 393, 414, 419, 427, 429, 437, 444, 453, 459, 472, 481, 488, 495, 504, 513, 514, 515, 517, 519, 522, 525, 527, 528, 529, 530, 532, 536, 537, 538, 539, 540, 541, 542, 545, 550, 554, 557, 559, 563, 564, 565, 567, 571, 573, 576, 578, 581, 584, 587, 590, 594, 596, 599, 604, 606, 612, 615, 630, 635, 639, 643, 646, 647, 651, 655, 658, 661, 663, 666, 676, 677, 679	Mode of voting prescribed, in fixing on place to which assembly adjourns, 524
Motion to change hour to which house adjourns, 154, 165, 223, 495, 666, 676	Resolution that when legislature adjourn, it will adjourn to meet at —, on — at 12 o'clock, 524
Votes recorded on adjourning January 31st, 218, 219	Blanks filled; votes thereon, 524, 525
February 14th, 296	Resolution indefinitely postponed; vote thereon, 525
March 6th, 422	Resolution to adjourn to meet at Fauquier White Sulphur springs, 525
March 12th, 459	Motions to amend and votes thereon, 526, 527
June 2d, 523	Resolution adopted; vote thereon, 527
Resolution for final adjournment; motion to lay on table; vote thereon, 229	Agreed to by senate, 527
Amendments offered; indefinitely postponed; vote recorded, 229	House meets according to adjournment, 528
Resolution to adjourn to meet on the 28th May; votes thereon, 410	Motion to adjourn 12th June; negatived, 528
Agreed to by senate, 445	Motion to fix time for adjourning daily, 529
Motion to adjourn to 9 o'clock; vote recorded, 444	Motion to adjourn June 16; vote recorded, 536
Resolution to adjourn to White Sulphur springs, in Greenbrier; laid on table, 515	Motion to adjourn for 4th July, 559
Motion to lay bills on table to submit resolution rescinding resolution fixing day for adjournment; vote recorded, 474	Motions to adjourn on 4th; votes recorded, 559, 560, 561, 562, 563
Resolution to postpone day for adjourning to 19th March; previous question; vote thereon, 479, 480	Motion to adjourn July 10th; vote recorded, 571
Vote on adoption of resolution, 480	Motion to adjourn on 25th July; vote, 606
Rejected by senate, 480	Motion to adjourn July 31; vote thereon, 630
Resolution of senate requesting return of resolution rejected by them, 484	Motion to adjourn to keep day of fasting and prayer; vote, 639
Agreed to by house, 484	Resolution to adjourn <i>sine die</i> ; vote thereon, 643
Resolution to postpone adjournment agreed to by senate with amendment, 487	Resolution to adjourn <i>sine die</i> , 677
Amendment agreed to by house, 487	Agreed to by senate, 678
Resolution to adjourn to some other place than Richmond, 517	Resolution for adjournment of senate, 678
Motion to lay it on table; vote thereon, 518	Agreed to by house, 678
Taken up; previous question called; not sustained; vote thereon, 519	House ready to adjourn, 679
Resolution rejected; vote thereon, 519	Senate ready to adjourn, 679
Motion to adjourn <i>sine die</i> , 519	Legislature adjourned, 679
Withdrawn, 521	
Second resolution to adjourn to some other place than Richmond, 521	

ADJUTANT GENERAL.

His report communicated by governor, 27
Printed. Doc. No. 12.
Reports semi-annual examination of cadets Military institute, 176
Printed. Doc. No. 48.

ADMINISTRATION OF ASSETS.

Resolution relative thereto, 197
Bill to amend act concerning real assets, (No. 254,) 205
Read first time, 302
To be engrossed, 423
Passed, 427
Amendment to Code, relative to the order for applying assets, 526
Further amendments, 523, 524
Action of both houses on amendments relative to the application of assets of decedents' estates; vote recorded, 660, 661

ADMINISTRATORS.

See *Executors and Administrators.*

AGENTS.

Amendment to Code relative to factors or agents, 579
--

AGRICULTURAL CHEMIST.

Resolution for appointing one,	186
Report upon propriety of appointing one, (Doc. No. 65,)	267
Extra copies to be printed,	270
Bill to appoint one for the state, (No. 359,)	267
Read first time,	425
Motion to postpone indefinitely; vote recorded,	458
To be engrossed,	458
Motion to postpone indefinitely; vote recorded,	476
Salary of chemist; vote thereon,	477
Bill passed; vote recorded,	477

AGRICULTURE.

Resolution for purchasing Skinner's elements of agriculture,	183, 184
Laid on table,	190

AGRICULTURE AND MANUFACTURES.

Committee, how many, (rule 27,)	7
Quorum of committee, (rule 29,)	7
Committee appointed,	37
To elect clerk and when to discharge him, (rule 28,)	7

AHABATH ISRAEL.

See *German Hebrew Society.*

ALBEMARLE COUNTY.

Petition relative to Staunton and James river turnpike,	119, 120
See <i>Staunton and James River Turnpike.</i>	
Petition relative to free schools,	148
See <i>Albemarle Free Schools.</i>	
Petition for a branch bank at Scottsville,	148, 151, 160
Bill therefor, (No. 247,)	196, 352, 418, 420, 421, 459

Resolution to change time of meeting of superior courts,	116
Bill therefor, (No. 101,)	128
Committed,	181
Reported with amendment,	277
To be engrossed,	285
Passed,	304
Passed by senate,	319
Motion to bring in bill changing circuit court; laid on table,	597
Resolution taken up, and bill to change time of holding circuit courts brought in, (No. 528,)	652
Read, amended and passed,	652
Petition for a separate election,	169
Separate election; see <i>Highland County</i> , (bill No. 147,)	309
Bill to establish separate election, (No. 309,)	233
Laid on table,	422, 443

ALBEMARLE FREE SCHOOLS.

Bill establishing them, (No. 279,)	431
To be engrossed,	431
Passed,	442
Passed by senate,	481

Motion to bring in bill to amend act establishing them; laid on table,	648
--	-----

ALBEMARLE AND NELSON MINING COMPANY.

Committee discharged from resolution,	196
---------------------------------------	-----

Bill incorporating it, (No. 369,)	273
Read first time,	426
To be engrossed,	462
Passed,	476
Amended and passed by senate,	482
Amendments agreed to by house,	482
ALEXANDER, (CHARLES A.)	
Petition to subscribe to Orange and Alexandria railroad company,	157
Laid on table,	483
ALEXANDER, (JOSEPH.)	
Petition of Hampshire, Hardy and Frederick to permit him to remain in state,	36
Bill concerning him, (No. 3,)	48
Read first time,	51
To be engrossed,	54
Passed,	58
Passed by senate,	71

ALEXANDRIA.

Resolution releasing to town state's interest in money advanced for general government,	39
Bill therefor, (No. 119,)	136
Read first time,	211
To be engrossed,	265
Amendment offered, to be printed; and bill laid on table,	269
Proceedings of council for authority to subscribe to Orange and Alexandria railroad stock,	129
Bill therefor, (No. 130,)	143
Read first time,	293
To be engrossed,	305
Passed,	309
Passed by senate,	384
Petition of Wm. L. Edwards and others to change county court,	110
Bill therefor, (No. 69,)	110, 116, 121, 149
Petition of Stephen Shinn and others relative to tobacco trade,	110
Bill relating thereto, (No. 91,)	125, 130, 180, 331
Bill to confirm certain streets to Alexandria canal company, (No. 88,)	122
To be engrossed,	127
Passed,	130
Passed by senate,	168
Bill to authorize council to make provision for support of poor, (No. 200,)	182
Read first time,	295
To be engrossed,	211
Passed,	323
Resolution relative to securing rights of masters and apprentices,	320
Bill concerning them, (No. 455,)	331, 466, 485, 504
Resolution to authorize application of school quota to Lancasterian and Female free school,	109
Bill therefor, (No. 78,)	114, 121, 123
ALEXANDRIA CANAL COMPANY.	
Leave to withdraw petition relative to branch of their canal,	110
Again presented,	110
Bill relative thereto, (No. 88,)	122, 127, 130, 168

Communication of president relative to the improvement of company, Printed. Doc. No. 70.	299	Passed, Amended and passed by senate, and amendments agreed to by house.	310 334
ALEXANDRIA COUNTY.			
Resolution for amending laws concerning poor,	167	AMERICAN TRACT SOCIETY.	230
Bill therefor, (No. 200.)	182, 211, 295, 323	Use of hall granted it,	
Bill to change county court, (No. 69.)	110	AMHERST COUNTY.	
To be engrossed,	116	Petition of millers to repeal inspection laws,	299
Passed,	121	Reported on,	326
Passed by senate,	149	Laid on table,	469
Bill relative to school quota, (No. 78.)	114	Petition to repeal charter of Lynchburg and Buffalo springs turnpike,	416
To be engrossed,	121	Petition laid on table,	438
Passed,	123	AMMUNITION.	
Passed by senate,	152	Resolution to provide shot and shells for service; laid on table,	480
ALEXANDRIA FEMALE FREE SCHOOL.			
Resolution relative to it,	45	ANDERSON, (WILSON.)	
See <i>School Quotas or Alexandria.</i>		Petition of Taylor, Benjamin F. and others, to permit him to remain in state,	282
ALEXANDRIA FEMALE ORPHAN ASYLUM.			
Resolution relative to it,	45	Bill for his relief, (No. 401.)	296
Committee discharged and laid on table,	70	Read twice and to be engrossed,	463
ALEXANDRIA AND HARPER'S FERRY RAILROAD.			
Resolution for reviving and extending charter,	150	Passed,	478
Bill concerning it, (No. 288.)	224	Passed by senate,	489
Read first time,	373	ANGEL, (MYER,) and others.	
To be engrossed,	442	Petition to incorporate German Hebrew society,	93
Passed,	449	Bill therefor, (No. 146.)	150, 293, 306, 308
Passed by senate,	472	APPEALS.	
ALEXANDRIA AND HARRISON-BURG RAILROAD.			
Resolution to incorporate it,	332	Resolution to repeal act for correction of errors and regulating appeals,	52
Bill to incorporate it, (No. 465.)	334, 443, 451	Bill to amend act regulating appeals from chancery decrees, (No. 109.)	132
ALEXANDRIA MARINE RAILWAY COMPANY.			
Bill to incorporate it, (No. 27.)	74	Read first time,	210
To be engrossed,	83	To be engrossed,	228
Passed,	89	Passed,	253
Passed by senate,	155	Passed by senate,	296
ALEXANDRIA AND VALLEY RAILROAD.			
Bill to incorporate company, (No. 465.)	334	Resolution to amend 17th section of criminal law,	183
To be engrossed,	443	See <i>Circuit Courts.</i>	
Passed; vote recorded,	451	Taken from speaker's decision as to calling ayes and noes after affirmative taken; decision affirmed; vote recorded,	382
ALLEGHANY COUNTY.			
Memorial remonstrating against petition of James Shanks,	160	From speaker's decision as to who entitled to speak when standing or rising from seat,	610, 611
Petition for an appropriation for a road from Shumate's tavern to Huntersville,	160	Mr. Goodson's statement relative thereto,	612
Petition for road from Red springs to Shirkey's mill,	279, 377	Withdrawn,	612
AMELIA COUNTY.			
Petition of commissioners to change location of courthouse; referred,	652	APPEALS, (COURT OF.)	
Bill therefor introduced, (No. 529.)	652	Commented on by governor,	16
Read twice and to be engrossed,	652	Communication of Judge Scott, declining to sit in special court,	49
Passed,	653	To be printed. Doc. No. 26,	49
AMERICAN INSURANCE COMPANY.			
Resolution to revive charter of company in Norfolk,	75	Resolution to modify special court,	49
Bill to incorporate it, (No. 150.)	150	Bill concerning special court of appeals, (No. 65.)	103
Read first time,	293	To be engrossed,	105
To be engrossed,	306	Passed,	108
		Amended and passed by senate,	153
		Amendment agreed to by house,	153
		APPOMATTOX CAVALRY.	
		See <i>Cavalry.</i>	
		APPOMATTOX COUNTY.	
		Petition to change circuit court day,	304
		Bill to change circuit court, (No. 431.)	313
		Read twice and to be engrossed,	416

Laid on table,	420	See <i>Pacific Mining and Trading Com-</i>	
Rejected,	439	pany.	
Leave to bring in bill to apportion		To be furnished to Rumford academy,	415
school quota, (No. 439,)	314	Agreed to by senate,	445
Read twice, to be engrossed,	465	Adjutant general's report. Doc. No. 12.	
Passed,	485	Report of superintendent of armory.	
Passed by senate,	504	Doc. No. 13.	
Petition of millers reported on,	385	See <i>Lancaster Artillery.</i>	
Remonstrance against appropriating mo-		ARMSTRONG, (SUSAN C.)	
ney to James river improvement,	187	Petition to authorize sale of real estate,	87
APPOMATTOX RAILROAD.		Reported on,	162
Resolution to place it under general		Acted on,	289
railroad law,	115	ARRESTS.	
Bill therefor, (No. 316,)	233	Witnesses privileged from arrests, (rule	
Read first time,	424	40,)	8
To be engrossed,	452	When persons to be arrested on breach	
Ryder offered and rejected; vote re-		of privilege, (rule 42,)	9
corded,	455	ARTILLERY.	
Bill rejected; vote recorded,	456	Petition for arms for company in Lan-	
APPRENTICES.		caster county,	197
Resolution to secure their rights in		Reported on,	280
Alexandria,	320	Laid on table,	368
Bill therefor, (No. 455,)	331	See <i>Richmond Fayette Artillery.</i>	
Read twice and to be engrossed,	466	ASSAULT AND BATTERY.	
Passed,	485	Resolution to extend jurisdiction in	
Passed by senate,	504	such cases,	39
APPORTIONMENT OF REPRESENTEN-		Reported on,	48, 79
TATION.		Laid on table,	81
Resolution to re-apportion it,	166	ASSEMBLY, (GENERAL.)	
Laid on table,	166	Resolution to change time of meeting,	225
APPROPRIATIONS.		Reported on,	284
Bill appropriating revenue, (No. 126,)	140	Recommitted,	320
Read first time,	211	Again reported on,	329
Order of day,	286	Laid on table,	363
Amended and to be engrossed,	455	Motion hereafter to hold sessions else-	
Passed,	462	where than Richmond,	539
Passed by senate,	489	Laid on table,	539
ARMORY.		Resolution to adjourn from 15th March	
Committee how many, (rule 27,)	7	to 28th May; motion to lay on table;	
Quorum of committee, (rule 29,)	7	vote thereon,	410
Committee appointed,	37	Resolution adopted; vote thereon, 410, 411	
Report of joint committee ordered to be		See <i>Adjournment.</i>	
printed,	309	See <i>Meetings of Legislature.</i>	
Printed. Doc. No. 71.		ASSESSMENTS.	
Suggestions of governor,	27	Resolution to require commissioners of	
Proposed to be sold,	28	revenue to assess property in person,	65
Referred,	44, 64	ASSESSMENT OF LANDS.	
Committee discharged and laid on ta-		Leave to bring in bill therefor,	395
ble,	162	Committee to report bill for assessment	
ARMORY IRON COMPANY.		west of Blue Ridge,	417
Opinion of attorney general called for		ASSESSMENT OF PROPERTY.	
relative to its property,	187	See <i>Mackall, (Richard C.)</i>	
Furnished,	195	ASSETS.	
Printed. Doc. No. 51.		Resolution relative thereto,	197
ARMORY SCHOOL.		Bill to amend act concerning real as-	
See <i>Virginia Armory School.</i>		sets, (No. 254,)	205
ARMS.		Read first time,	302
Resolution to authorize Capt. Nowlin's		To be engrossed,	423
company of cavalry to change arms,	191	Passed,	427
Bill therefor, (No. 260,)		Amendment to Code relative to order	
205, 352, 423, 427, 453		of applying decedent's assets to pay	
Resolution to arm citizens of Accomack		his debts,	586
to enforce laws concerning oysters,	394	Further amendments; vote thereon,	
Motion to amend; vote on resolution,	394	593, 594	
Agreed to by senate,	446	Action of both houses on amendments	
See <i>Madison Mining and Trading Com-</i>		relative to the application of assets	
pany.		of decedents' estates; vote recorded,	
		660, 661	

ASTRONOMICAL OBSERVATIONS.

See *Maps*.

ASTROP, (ROBERT F.)

Resolution for paying him for services in the Virginia regiment of volunteers,	33
Document to support his claim,	120, 179
Letter in relation to claim, from Capt. William A. Scott,	213, 214
Bill concerning him, (No. 341,)	266
Read first time,	425
To be engrossed,	452
Passed,	473

ATKINSON, (ROGER.)

Bill authorizing sale of real estate, (No. 45,)	84
To be engrossed,	96
Laid on table,	99
Passed,	131
Amended and passed by senate,	152
Amendment agreed to by house,	153

ATLANTA COUNTY.

Bill creating new county out of Accomack, (No. 157,)	178
To be engrossed,	210
Passed; vote recorded,	218
Rejected by senate,	307

ATTORNEYS AT LAW.

Rule to prevent them from discussing before committees,	225
---	-----

ATTORNEYS FOR COMMON-WEALTH.

Resolution relative to their fees in circuit superior courts,	40
Referred to committee on revision,	68
Resolution to elect them by joint vote of the legislature,	50
Reported on,	182
Acted on,	289

ATTORNEY GENERAL.

His opinion called for relative to armory property,	187
His response furnished,	195
Printed. Doc. No. 51.	

AUDITOR OF PUBLIC ACCOUNTS.

Committee to examine his office, (rule 27,)	7
Quorum of committee, (rule 29,)	7
Committee appointed,	37
Report on office presented,	238
Acted on,	367
Resolution for his election,	167
Agreed to by senate,	182
Election made,	202, 203
Transmits list of balances in his office; laid on table,	355
Printed. Doc. No. 76.	

AUDITOR, (SECOND.)

Committee to examine his office, (rule 27,)	7
Quorum of committee, (rule 29,)	7
Committee appointed,	37
Report presented,	220
Acted on,	368
Resolution for his election,	167
Agreed to by senate,	182
Election made,	203
Resolution to divide his office,	178

Laid on table, 437, 454

His recommendation relative to Bernard's book and general school systems referred, 107

Reported on, 454

Laid on table, 470

His report relative to registration of children for education, to the duties and pay of county superintendents, and Henry and Emory college, referred, 107

His report of annual report of Petersburg railroad relative to diversion of travel, 98, 111

Laid on table, 111

Printed. Doc. No. 10.

His report of proceedings of Richmond, Fredericksburg and Potomac railroad relative to diversion of travel, 98, 111

Laid on table, 111

Printed. Doc. No. 10.

AUGUSTA COUNTY.

Petition to extend Louisa railroad, 34, 41

See *Louisa Railroad*.

Petition relative to Staunton and James river turnpike, 119, 120

Resolution to revive act for subscribing to stock, 303

Petition for divorcing Ferdinand S. Heiskill, 160

Petition for separate election, 163

Reported on, 354

Laid on table, 364

Petition of A. H. H. Stuart and others, for removing free negroes, 416

AYES AND NOES.

How to be recorded, (rule 12,) 5

Mistakes in recording, how corrected, (rule 12,) 5

See *Various subjects on which called*.

AYRES, (WILLIAM.)

His petition, 314

Bill concerning him, (No. 456,) 331

Read twice and to be engrossed, 466

Passed, 465

B

BAIL.

Recommendations of governor, 20

Referred, 52

Resolution to amend Criminal Code on subject, 46

Reported on, 74

Acted on, 81

Bill concerning bail in civil actions, (No. 110,) 132

Read first time, 211

Committed, 227

Reported with amendment, 231

Laid on table, and amendments printed, 265

Amended, and to be engrossed; vote recorded, 274, 275

Ryder offered, 279

Motion to reconsider engrossment of ryder; negatived, 279

Motion to reconsider engrossment of bill; agreed, amended and to be engrossed again,	279	Referred,	40, 75, 438
Motion to postpone indefinitely; negatived; vote recorded,	279	Printed. Docs. Nos. 16 and 59.	
Passed,	285	Statements of Merchants and Mechanics Bank and Bank of Valley. Doc. No. 73.	
BAKER, (RICHARD H.)		Resolution to repeal act prohibiting passing bank notes under five dollars,	38
His communication in answer to reflections on his judicial character by governor,	195	Resolution allowing them to issue such notes,	38
Printed. Doc. No. 52.		Reported on,	59
Communication from governor Smith in answer; laid on table,	271	Laid on table,	68
To be printed. Doc. No. 52.		Bill to authorize small notes, (No. 58,)	92
Extra copies to be printed,	271	Read first time,	101
BAKER, (JOHN E.)		To be engrossed,	105
Petition to pay him as adjutant to 25th regiment,	168	Laid on table,	108
Bill concerning him, (No. 222,)	190	Reconsidered, amended and laid on table,	161
Read first time,	326	Motion to postpone indefinitely; negatived; vote,	282
To be engrossed,	386	Amended; vote recorded,	282, 283
Passed,	413	To be engrossed; vote recorded,	283
Passed by senate,	445	Passed; vote recorded,	286
BALTIMORE.		Rejected by senate,	387
Petition concerning wreckers,	227	Amendment to authorize issue of small notes by banks; vote recorded,	645, 646
BALTIMORE, NORFOLK AND PETERSBURG STEAMBOAT COMPANY.		Resolution to enquire what grace to be allowed,	86
Resolution for its incorporation,	114	Bill relating thereto, (No. 187,)	162, 295, 312
Bill to incorporate it, (No. 392,)	285	Resolution to amend act for establishing branch of Exchange Bank at Abingdon,	66
Read first time,	427	Reported on,	237
To be engrossed,	463	Laid on table,	367
Passed,	478	Leave to bring in bill therefor,	307, 308
Rejected by senate,	490	See <i>Norfolk City</i> .	
BALTIMORE AND OHIO RAILROAD.		Resolution to repeal acts establishing banks at Charleston and Martinsburg, and to establish Central Bank of Virginia,	143
Mentioned by governor,	13	Reported on,	162
BANK NOTES.		Recommitted,	162
Resolution requiring persons taking licenses, and collectors of revenue to take oath not to violate law against circulation of small notes,	302	Bill therefor, (No. 339,)	260
Indefinitely postponed; vote recorded,	302, 303	Read twice and committed,	266
See <i>Banks</i> .		Reported with amendments,	301
BANK OF VALLEY.		Further amended and laid on table,	310
Statement of its condition transmitted by governor,	321	Bill to establish branch at Fincastle, (No. 120,)	136
Printed. Doc. No. 73.		Read first time,	211
BANK OF VIRGINIA.		Amended,	269
To establish a branch at Ripley or Ravenswood, (Bill No. 514,)	439	Laid on table,	280
Read twice; to be engrossed,	468	Motion to postpone indefinitely; vote recorded,	447, 448
Passed; vote recorded,	494	To be engrossed,	448
BANKS.		Passed,	455
Committee to be appointed, (rule 27,)	7	Passed by senate,	482
Quorum of committee, (rule 29,)	7	Resolution to add capital to branch at Wytheville,	285
Committee appointed,	37	Bill therefor, (No. 416,)	301
To elect their clerk, and when to discharge him, (rule 28,)	7	Read twice; to be engrossed,	465
Resolution requiring committee to elect a clerk jointly with committee on trade and mechanic arts,	48	Passed; vote recorded,	481
Laid on table,	48	Passed by senate,	495
Governor communicates their reports,	27, 232, 321	Bill to establish bank at Scottsville, (No. 247,)	196
Comments upon them,	27	Read first time,	352
		To be engrossed,	418
		Passed; vote recorded,	420, 421
		Passed by senate,	459

Resolution to authorize location of branch bank at Jeffersonville,	234	Amendment disagreed to by house,	394
Bill therefor, (No. 325,)	237	Insisted on by senate,	417
Read first time,	424	Receded from by house and amendments of senate agreed to,	417
To be engrossed,	452	Petition for a savings bank,	235, 303
Passed,	464	BEEF.	
Passed by senate,	490	See <i>Inspections</i> .	
Resolution to give to state directors in proportion to its stock,	415	BENEVOLENT ASSOCIATIONS.	
Amendment to Code relative to number of directors appointed by state and stockholders; vote thereon,	553	Resolution to amend act concerning conveyances or devises of places of meeting for them,	72
Amendment to Code to tax dividends except on stock held by non-residents; vote thereon,	535, 536	Reported on,	111, 183
BANKS, (ROBERT A.)		Acted on,	112
Elected general,	70	Again referred,	208, 209
BARBOUR COUNTY.		Bill to amend act concerning conveyances or devises of places of meeting, (No. 382,)	276
Petition for a separate election,	36	Read first time,	426
Bill therefor, (No. 6,)	58	Laid on table,	463
Read first time,	67	BERKELEY COUNTY	
To be engrossed,	78	To amend act to provide for authentication of loans,	56
Passed,	82	Resolution to allow cost of bridge in paying subscription to road,	192
Amended and passed by senate,	146	Bill concerning taxes to defray county expenditures, (No. 16,)	67
Amendments agreed to by house,	146	To be engrossed,	78
Petition for new county; reported on,	354	Passed,	83
Laid on table,	363	Passed by senate,	149
Petition to construct road from Clarksburg to Philippi,	120, 179	Amendments to Code relative to county levies in the county,	551
Petition for a road from Philippi to Buckhannon in Lewis,	133	BERKELEY AND JEFFERSON TURNPIKE.	
BARBOURSVILLE.		Bill to incorporate company, (No. 395,)	285
Petition to incorporate it,	298	Read twice; to be engrossed,	464
BARRON, (JAMES.)		Passed,	478
Petition for commutation pay,	88	Passed by senate,	495
Laid on table,	454	BERNARD'S BOOK.	
BATH COUNTY.		Recommendations of second auditor referred,	107
Petition for extension of Louisa railroad,	175	Reported on,	454
Resolution for allowing reward for killing crows in county,	128	Laid on table,	470
Reported on,	176	BERRYVILLE AND CHARLESTOWN TURNPIKE.	
Acted on,	291	Resolution to extend time for commencing road,	141
Separate election established, (bill No. 231,)	417, 460	Bill concerning it, (No. 215,)	186
See <i>Writs of Election</i> .		Read first time,	326
BATTALION MUSTERS.		Amended; and to be engrossed,	326
Resolution to change time for battalion musters,	50	Passed,	412
Laid on table,	260	Passed by senate,	459
BATTLE OF POINT PLEASANT.		BETHANY COLLEGE.	
Resolution to erect a monument therefor; laid on table,	447	See <i>Neotrophian Society</i> .	
BEACH FORK.		BETTING.	
See <i>Twelve Pole River</i> .		Amendment to Code, to punish it; vote thereon,	645
BEDFORD COUNTY.		See <i>Gaming</i> .	
Petition to declare Goose creek lawful fence,	88	BEVERLEY AND FAIRMONT ROAD.	
Reported on,	276	Resolution for its extension to Blacksville,	234
Laid on table,	368	Bill for extending it, (No. 510,)	437
Resolution to repeal act transferring it to 10th circuit,	52	Read twice; to be engrossed,	468
Bill adding it to the 8th circuit, (No. 63,)	103	Passed,	492
To be engrossed,	105	BIDDLE, (HENRY.)	
Laid on table,	108	Leave to withdraw petition for divorce,	104
Passed,	214	Again presented,	104
Amended and passed by senate,	394	Bill divorcing him, (No. 127,)	143

Read first time,	293	Order of day,	353
To be engrossed,	305	Amended and to be engrossed; vote	
Passed,	309	recorded,	375
Passed by senate,	331	Passed by senate,	430
BILLS.			
In what order considered, (rule 16,)	5	BLUE RIDGE TURNPIKE.	
May be delivered to members, (rule 17,)	5	Resolution to amend its charter,	184
Committee to examine enrolled bills,		Bill therefor, (No. 423,)	307
(rule 27,)	7	Read twice; to be engrossed,	465
Committees may report by bill, (rule		Passed,	485
30,)	7	Passed by senate,	504
Clerk to announce stage of bill when		BOARD OF PUBLIC WORKS.	
read, (rule 45,)	9	Suggestions relating thereto by gover-	
See <i>Various subjects for each bill.</i>		nor,	14
Resolution relative to preservation in		Resolution for re-organizing it,	52
clerk's office,	87, 379, 498	Laid on table,	334
Agreed to by senate,	505	To furnish N. M. Martin's reply to	
BILLS IN EQUITY.			
How filed against members, (rule 39,)	8	James Lyons,	196
BILLS OF EXCHANGE.			
See <i>Exchange, (Bills of.)</i>		Furnished,	204
BLACKSBURG.		Printed. Doc. No. 10.	
Petition for a savings bank,	167	Resolution to suspend execution of	
BLACKSBURG SAVINGS INSTI-		new contracts for completing	
TUTION.		Southwestern turnpike,	416, 417
Bill to incorporate it, (No. 219,)	186	Made order of day,	417
Read first time,	326	See <i>Southwestern Road.</i>	
To be engrossed,	386	Information furnished,	429
Passed,	412	Printed. Doc. No. 78.	
Passed by senate,	445	Not to pay subscriptions in state bonds,	
BLACK, (TYRE,) and others.		but in cash,	436
Petition for a ferry,	103	Agreed to,	440
BLACK'S FERRY.		Amendment to Code relative to ap-	
Across Sandy river, (bill No. 434,)	313	pointment of state directors in works	
Read twice; amended; and to be en-		of improvements; vote recorded,	555
grossed,	464	Resolution to cause series of county	
Passed,	485	maps to be prepared,	159
Passed by senate,	495	Laid on table,	461
BLACKWELL, (WILLIAM.)		BOARD OF TRADE OF WHEELING.	
Resolution for improvement by him of		Their petition against brokers,	208
Rappahannock river,	216	Reported on,	297
Bill therefor, (No. 330,)	259	Recommitted,	314
Read first time,	424	Laid on table,	438
To be engrossed,	452	Petition to construct a road from	
Passed,	473	Wheeling to Clarksburg,	217
Passed by senate,	489	BOATMEN.	
BLAMIRE, (EDWARD T.)		See <i>James River and Kanawha Company.</i>	
Resolution to refund taxes on seal of		BOGGISS, (THOMAS L.)	
state,	115	Petition for a bridge,	188
Reported on,	140	BONDS OF PUBLIC OFFICERS.	
Acted on,	290	Committee to examine them, (rule 27,)	7
BLIND.			
See <i>Deaf, Dumb and Blind.</i>		Quorum of committee, (rule 29,)	7
BLOOD, (FLEMING AND FRIEND-		Committee appointed,	37
LESS.)		Their report,	455
Names changed to Meredith, (No.		BONDS, (STATE.)	
420,)	307	Commented on by governor,	10, 11
Read twice; to be engrossed,	465	Not to be paid to companies,	436
Passed,	484	Agreed to,	440
Passed by senate,	504	BOOK OF FORMS.	
BLOOD, (OLYMPIA.)		Governor recommends purchase of one,	20
Leave to withdraw petition for a di-		Referred,	45
vorce,	151	BOONE COUNTY.	
BLUE RIDGE RAILROAD.		Resolution to change separate election,	80, 81
Bill to incorporate company, (No. 124,)	140	Bill therefor, (No. 334,)	259
Read first time,	211	Read first time,	425
Order of day,	286	Amended and to be engrossed,	451
To be engrossed,	322	Passed,	473
		Passed by senate,	482
		Resolution to change time of holding	
		county court,	128

Bill therefor, (No. 112.)	135	Passed,	83
To be engrossed,	210	Passed by senate,	149
Passed,	214	Bill to authorize a separate election,	
Passed by senate,	296	(No. 93.)	125
Petition relative to junior patentees,		To be engrossed,	130
and for amendment to laws con-		Passed,	180
cerning delinquent lands,	129	Passed by senate,	199
Petition to improve navigation of Big		Petition to form new county,	129
Cole river,	104, 395	Reported on,	313
BOTETOURT COUNTY.		Laid on table,	362
Petition for new county,	50, 69	BREAD.	
Reported on,	215	See <i>Inspections.</i>	
Acted on,	356	BRIBERY.	
Petition to repeal law relative to for-		Resolution to make it an indictable	
mation of new counties,	320	offence to give or receive for vo-	
Laid on table,	483	ting in elections,	118
Petition for a company to construct a		BRIDGES.	
road from Fincastle to Price's		Resolution for appropriation to rebuild	
mountain,	34	bridges on Charleston and Point	
Remonstrance against it,	51	Pleasant turnpike,	80
Both reported on,	74	Bill making appropriation for bridges	
Acted on,	82	on Staunton and Parkersburg road,	
Petition for a turnpike from Red		(No. 158.)	153
Sweet springs to Shirkey's on		Read first time,	294
James river,	279	Order of day,	309
Resolution to change separate elec-		To be engrossed,	322
tion,	166	Passed,	376
Bill therefor, (No. 379.)	276	Resolution for an appropriation to	
Read first time,	426	complete bridge across Powell's	
To be engrossed,	462	river,	113
Passed,	477	Bill therefor, (No. 180.)	159
Passed by senate,	490	Read first time,	294
Petition for a branch bank in Fincastle,		Order of day,	309
	77, 151	To be engrossed,	322
See <i>Banks.</i>		Rejected; vote recorded,	383
Petition relative to Penn's ferry or		Resolution for constructing them	
bridge,	227	across Valley river and Felix	
See <i>Penn, (Charles B.)</i>		creek,	41
Writ of election issued to sheriff to		Bill for a bridge across Polk creek,	
supply vacancy by death of John		(No. 344.)	266, 425, 452, 473, 429
W. Thompson,	271	Penn's ferry or bridge, (bill No. 350.)	
BOWEN, (WALTER.)			266, 425
Letter relative to pardon of John J.		See <i>Little Kanawha Bridge Company.</i>	
Johnston,	440	Resolution to subscribe to bridge at	
Printed. Doc. No. 80.		Castleman's ferry,	281
Referred,	483	See <i>Castleman's Bridge.</i>	
BOWLING ALLEYS.		See <i>Covington Bridge.</i>	
Resolution to require them to obtain		See <i>Elk River Bridge Company.</i>	
licenses from county courts,	75	See <i>Manchester Bridge Company.</i>	
BOYKIN, (FRANCIS M.)		See <i>Marion Bridge Company.</i>	
Elected brigadier general,	201	See <i>Virginia and Maryland Bridge</i>	
BRADLEY, (ROBERT.)		<i>Company.</i>	
Appointed first doorkeeper,	4	See <i>Wheeling and Belmont Bridge</i>	
BRAXTON COUNTY.		<i>Company.</i>	
Resolution for settling county lines,	141	BRIDGEWATER TOWN.	
Petition therefor,	308	Petition to exempt citizens from work-	
Reported on,	284	ing on highways,	141
Laid on table,	361	Reported on,	313
Bill to annex part of it to Randolph,		Bill to relieve inhabitants from working	
(No. 474.)	354	roads, (No. 347.)	265
Read twice; to be engrossed,	467	Read first time,	425
Passed,	486	To be engrossed,	453
Passed by senate,	496	Passed,	473
Petition to change time of holding		Passed by senate,	490
county courts of county,	36	Petition to establish separate election	
Bill therefor, (No. 12.)	59	in town,	117
Read first time,	67	Laid on table,	362
To be engrossed,	78		

BRIGADE INSPECTORS.

Resolution to reinstate them, 206
Laid on table, 260

BRIGADES.

Resolution to divide tenth brigade, 75
Laid on table, 270

BRIGADIER GENERALS.

Resolution to fix day for electing general for first brigade, 44
Agreed to by senate, 54
Resolution to fix day for electing general for tenth brigade, 54
Agreed to by senate, 54
For first brigade elected, 70
Motion to postpone it, 70
For tenth brigade elected, 71
Resignation of Gen. Crump, 63
Resolution fixing day for election of general for 8th brigade, 66
Agreed to by senate, 73
Joint order for election of general for 8th brigade postponed, 153
Agreed to by senate, 154
Resignation of Gen. Brown, 158
For eighth brigade elected; vote recorded, 200, 201
Resolution to elect a general for third brigade, 163
Elected; votes recorded, 201, 202
Resolution to provide for their election by officers in brigade, 74
Laid on table, 260

BROOKE COUNTY.

Petition to change separate election, 304, 308
Reported on, 414
Laid on table, 469
Petition to authorize county court to borrow money for a courthouse, 155
Bill therefor, (No. 182,) 162
Read first time, 295
To be engrossed, 311
Passed, 323
Passed by senate, 331
Leave to withdraw documents for formation of new county, 57
Petition for a road from Short creek to Wheeling, West Liberty and Bethany turnpike, 141, 179
Petition for a railroad from the Pennsylvania line to the Ohio river, 145, 155
Petition for a third road district, 281
Withdrawn, 332

BROWN, (ALEXANDER.)

Resignation as brigadier general communicated, 158

BROWN, (BRIGHTBERRY.)

Bill to authorize him to change location of his road, (No. 181,) 159
Read first time, 294
To be engrossed, 311
Passed, 323
Passed by senate, 384

BROWN, (JAMES.)

Elected second auditor, 203
See *Auditor, (Second.)*

BROWN, (PETER A.)

See *Microscope.*

BROWN, (THOMAS H.)

Petition to relocate South mountain turnpike, 94

BROWNING AND GLENN, (Captains.)

Bill concerning them, (No. 406,) 297
Read twice, to be engrossed, 465
Passed, 478

BROWNING, (ISAAC,) executor.

Petition for half pay, 197

BRUNSWICK COUNTY.

Petition to incorporate Red Oak academy, 76

BRYAN, (ANDREW.)

Petition to be paid for tuition of poor children, 208
Reported on, 301
Laid on table, 369

BUCHANAN AND ROANOKE RAILROAD.

To connect with Lynchburg and Tennessee railroad; vote thereon, 390, 392
Bill to incorporate company, (No. 501,) 415
Read twice, to be engrossed, 467
Passed; vote recorded, 494

BUCHANAN TURNPIKE.

Bill to incorporate company, (No. 343,) 266
Read first time, 425
To be engrossed, 452
Passed, 473
Passed by senate, 489

BUCKHANNON AND LITTLE KANAWHA TURNPIKE.

Bill to incorporate company, (No. 346,) 266
Read first time, 425
To be engrossed, 453
Passed, 473
Passed by senate, 489

BUCKINGHAM COUNTY.

See *Contested Elections.*
Committee to send for persons and papers in contested election, 74
Documents presented, 47, 74, 234
Petition of millers reported on, 385
Laid on table, 469
Election ordered for new member, 521, 522

BUCKINGHAM FEMALE COLLEGIATE INSTITUTE.

Resolution for an appropriation to it, 213
Reported on, 301
Laid on table, 370
Bill to incorporate it, (No. 280,) 220
Read first time, 374
To be engrossed, 431
Passed, 442
Passed by senate, 459

BUFFALO ACADEMY.

Bill to incorporate trustees, (No. 469,) 338
Read twice, to be engrossed, 466
Passed, 486
Passed by senate, 495

BURNING HOUSES.

Resolution to amend act concerning, 187

BURRUSS & HACKETT.

Petition for remission of fine, 77

BUSINESS.	
Majority necessary to transact it, (rule 9,)	4
How introduced and considered, (rule 13,)	5
How dispatched, (rule 16,)	5
No new business to be introduced,	378
BUTTER.	
See <i>Inspections.</i>	
BYRD, (A. H.)	
Resignation as member,	479
BYRD, (FRANCIS O.)	
Resolution to vote him a sword,	85
Committee appointed,	85
Bill therefor, (No. 49,)	90
Read first time,	96
To be engrossed,	101
Passed,	108
Passed by senate,	149
BYRD, (H. D.)	
See <i>Petersburg and Roanoke Railroad.</i>	

C

CABELL COUNTY.	
Petition for a separate election,	43
Bill therefor, (No. 51,)	92
Read first time,	101
To be engrossed,	104
Passed,	108
Passed by senate,	156
Resolution to change time of holding county court,	128
Bill therefor, (No. 112,)	135
To be engrossed,	210
Passed,	214
Passed by senate,	296
Memorial remonstrating against adding part of county to Putnam,	129
Reported on,	224
Laid on table,	359
Petition of ladies relative to prohibiting licenses for sale of spirits,	314
CABELL, (JOSEPH C.)	
Instructions to proxy of James river and Kanawha company to vote for him as president,	484
Laid on table,	484
CADETS.	
See <i>Virginia Military Institute.</i>	
CALDWELL, (JUDITH T.)	
Resolution relative to Thos. W. Fauntleroy,	144
Reported on,	146
Recommitted,	289
See <i>Removal of Property.</i>	
CALIFORNIA.	
See <i>Wilnot Proriso.</i>	
CALIFORNIA COMPANY.	
Resolution to give them arms,	207
CALL OF HOUSE.	
How many may call a house, (rule 9,)	4
On call, when doors closed, (rule 11,)	4
Required; doors closed and call suspended,	661
CALLOWAY, (CYNTHIA A.)	
Petition for a divorce,	81
Bill divorcing her, (No. 47,)	90
Read first time,	96
To be engrossed,	101
Laid on table,	108
Passed,	139
Passed by senate,	377
CALVES.	
See <i>Khaisi Cattle.</i>	
CAMPBELL COUNTY.	
Apportionment of school quotas to be made between Appomattox and it, (bill No. 439,)	314
Read twice, to be engrossed,	465
Passed,	485
Passed by senate,	504
Petition to exempt volunteer artillery company from militia duty,	142, 143
Remonstrance against appropriating money to James river improvement,	187
CAMP, (JOHN G.) Captain.	
Documents relative to his military services,	303
CANNEL COAL COMPANY.	
Resolution to incorporate it,	33
See <i>Virginia Cannel Coal Company.</i>	
CAPERTON, (ALLEN B.)	
Voted for as governor,	60
CAPITOL SQUARE.	
Bill to ratify sale of part of square to B. B. Minor, (No. 163,)	156
Read first time,	294
To be engrossed,	306
Passed,	310
Passed by senate,	331
CAPTAIN OF PUBLIC GUARD.	
Resolution to unite office with that of chief engineer,	191
CAROLINE COUNTY.	
Resolution to change time of holding circuit court,	80
Bill therefor, (No. 100,)	128
To be engrossed,	181
Passed,	209
Amended and passed by senate,	275
Amendments agreed to by house,	275
Petition for separate election,	207, 208
Bill therefor, (No. 268,)	215
Read first time,	374
To be engrossed,	423
Passed,	442
Passed by senate,	454
CARTER (JOHN P.)	
Petition for separate election in Patrick,	184
CARUTHERS, (WILLIAM.)	
Petition of Monongalia to release to him a fine,	142
Bill therefor, (No. 262,)	212
Read first time,	352
To be engrossed,	423
Passed,	442
Rejected by senate,	460
CASTLEMAN'S BRIDGE.	
Bill to incorporate company, (No. 414,)	301
Read twice, to be engrossed,	465
Laid on table,	481
CATS.	
Bill allowing reward for killing wild cats, (No. 497,)	415

Read twice, to be engrossed,	467
Passed,	491
Passed by senate,	504
CAVALRY.	
Resolution to authorize Capt. Nowlin's company to change arms,	191
Bill therefor, (No. 260,)	205
Read first time,	352
To be engrossed,	423
Passed,	427
Passed by senate,	453
CAVEATS.	
In register's office,	292
CEMETERY COMPANIES.	
Resolution to incorporate a company in Staunton,	117
Sharon cemetery company, (bill No. 134,)	147, 293, 306, 310
Thornrose cemetery company, (bill No. 135,)	147, 293, 306, 310
CENSURE.	
When members liable to, (rule 9,)	4
CENTRAL BANK OF VIRGINIA.	
Resolution to establish it,	144
Bill therefor, (No. 330,)	260
Read twice and committed,	286
Reported with amendments,	301
Further amended and ordered to be printed,	310
CERTIFICATES OF ELECTIONS.	
Report of committee thereon presented,	296
Acted on,	365
CESSIONS.	
See <i>Orange and Alexandria Railroad.</i>	
See <i>Alexandria.</i>	
CHAMBERS, (WILLIAM.)	
Appointed second doorkeeper,	4
CHANCERY COURTS.	
See <i>Clerk of Richmond Chancery Court.</i>	
Bill concerning the jurisdiction of courts, (No. 92,)	125
To be engrossed,	181
Rejected; vote recorded,	184, 185
Reconsidered and recommitted,	188
Reported with amendment,	190
Amended and to be engrossed,	210
Passed,	214
Rejected by senate,	414
CHAPLAIN.	
See <i>Prayer.</i>	
Petition of John E. Dove to pay chaplain at penitentiary,	119
CHARLESTON.	
Resolution to amend its charter,	205
Bill therefor, (No. 284,)	224
Read twice and to be engrossed,	282
Passed,	286
Passed by senate,	301
CHARLESTON AND OHIO RAILROAD.	
Leave to bring in bill to incorporate company,	430
Bill brought in, (No. 517,)	446
Read twice; to be engrossed,	468
Passed,	492

CHARLESTON AND POINT PLEASANT TURNPIKE.	
Resolution for appropriation to rebuild bridges on road,	80
Bill for an additional subscription thereto, (No. 352,)	266
Read first time,	425
To be engrossed,	458
Passed,	475
Passed by senate,	489
CHARLOTTE COUNTY.	
Petition to change laws relative to free negroes,	76
Reported on,	84
Acted on,	90
Petition to exempt a volunteer artillery company from militia duty,	142, 143
Petition to change circuit court day,	304
Bill therefor, (No. 431,)	313
Read twice and to be engrossed,	416
Laid on table,	420
Rejected,	439
Petition to allow Fenton G. North to peddle without paying for a license,	274
Reported on,	297
Recommitted,	311, 312
See <i>North, (Fenton G.)</i>	
CHARLOTTESVILLE.	
Leave to bring in bill conferring additional power on trustees,	332
Bill brought in, (No. 461,)	332
Read twice; to be engrossed,	466
Passed,	485
Passed by senate,	495
CHEMIST.	
Resolution to appoint an agricultural chemist for state,	186
See <i>Agricultural Chemist.</i>	
CHESAPEAKE AND OHIO CANAL.	
Petition of company for a loan,	200, 213
Printed. Doc. No. 54.	
Bill to aid them in repairs, (No. 446,)	325
Read twice; amended; and to be engrossed,	464
Passed; title amended,	485, 487
Passed by senate,	490
CHESAPEAKE STEAMBOAT COMPANY.	
Leave to bring in bill to incorporate it,	319
Bill brought in, (No. 441,)	319
Read twice; to be engrossed,	466
Passed,	485
CHESTERFIELD COUNTY.	
Bill to change circuit court, (No. 494,)	393
Read twice and to be engrossed,	436
Passed,	449
Passed by senate,	481
CHESTERFIELD RAILROAD.	
Petition to change line of their road,	114
Laid on table,	438
CHOLERA.	
Resolution to enquire into health of Richmond; committee appointed,	515
Their report presented and laid on table,	515, 516
Second report presented and laid on table,	520
See <i>Adjournment.</i>	

CHRISTIAN, (JAMES B.)		Resolution to annex Powhatan county	
Petition for compensation as a juror,	87	to second circuit,	213
Reported on,	153	Bill therefor, (No. 265,)	214
Acted on,	287	To be engrossed,	263
CHRISTIANSBURG AND PATRICK		Passed,	269
COURTHOUSE ROAD.		Passed by senate,	280
<i>See Roads.</i>		Resolution to change time of meeting	
CHURCHES.		of courts of Rockbridge, Nelson and	
<i>See Religious Assemblies.</i>		Albemarle,	116
CIRCUIT SUPERIOR COURTS.		Bill therefor, (No. 101,)	128
Resolution to fix day for election of		Committed,	181
judge for 2d circuit,	49	Reported with amendment,	277
Amended and agreed to by senate,	55	To be engrossed,	285
Amendment agreed to by house,	55	Passed,	304
Judge elected,	59	Passed by senate,	319
Resolutions to elect judge for 18th cir-		Leave asked to bring in bill to amend	
cuit,	39	act to change courts of Rockbridge,	
Agreed to by senate,	54	Nelson and Amherst,	514, 597
Elected,	55	Laid on table,	514, 597
Suggestions of governor,	16, 17	Taken up and bill brought in,	
Resolution for re-arranging the judicial		(No. 528,)	652
circuits,	118, 394	Read, amended and passed,	652
Committee therefor,	123	Resolution to increase compensation	
Their report presented,	212	of clerk of Richmond circuit,	103
Laid on table,	213	Increase compensation of clerk of	
Resolution for lessening circuits, and		Ohio court,	227
to lengthen terms,	53	Reported on,	270
Reported on,	185	Laid on table,	352
Laid on table,	289	Resolution for amending act 1831,	
Amendment to Code relative to reduc-		to authorize judges to make al-	
tion of number of judges; vote there-		lowances to clerks for public ser-	
on,	599	vices,	86
Resolution to determine their appellate		Reported on,	153
jurisdiction,	79	Acted on,	227
Bill concerning appellate jurisdiction		Resolution to change time of holding	
of courts, (No. 60,)	97	court of Spottsylvania,	117
Read first time,	101	Resolution to change Caroline court,	180
Referred to committee on revision,	105	Bill to change courts of Spottsylvania	
Committee discharged,	183	and Caroline, (No. 100,)	122
Recommitted,	210	To be engrossed,	181
Reported with amendment,	215	Passed,	209
Amended and to be engrossed,	228	Amended and passed by senate,	275
Passed,	231	Amendments agreed to by house,	275
Passed by senate,	271	Bill changing Chesterfield circuit	
Resolution to repeal act transferring		court, (No. 494,)	393
Bedford to 10th circuit,	52	Read twice and to be engrossed,	436
Bill adding county of Bedford to 8th		Passed,	449
circuit, (No. 63,)	103	Passed by senate,	451
To be engrossed,	105	Bill to change days of courts of Appo-	
Laid on table,	108	mattox, Charlotte and Halifax, (No.	
Passed,	214	431,)	313
Amended and passed by senate,	394	Read twice and to be engrossed,	416
Disagreed to by house,	394	Laid on table,	420
Insisted on by senate,	417	Rejected,	439
Receded from by house and agreed to,	417	Resolution to give them concurrent	
Resolution for forming new circuit		jurisdiction with county courts in	
reported on,	48	sums over twenty dollars,	192
Bill to create new circuit, (No. 36,)	79	Reported on,	199
To be engrossed,	100	Acted on,	339
Laid on table,	104	Resolution to amend law relative to	
Passed,	214	rule days,	332
Resolution to change spring term of		Reported on,	393
Nicholas court,	75	Laid on table,	469
Time of Nicholas court changed,		CITIZENS SAVING BANK.	
(bill No. 360,)	270	Bill to incorporate it, (No. 437,)	319
Read three times and passed,	416	Read twice; to be engrossed,	465
Amended and passed by senate,	419	Passed,	485
		Passed by senate,	496

CIVIL CODE.

Resolution to appoint joint committee on revision,	41
Their report,	199
Printed. Doc. No. 53.	
Recommendations of committee for adjourned session to complete revision,	220, 221, 222
Notes thereon,	222
Amendments by committee reported,	233
Printed. Doc. No. 60.	
Resolution to distribute report of revisors among members,	50, 64
Further report from revisors,	143
Printer to distribute it,	143
Printer to furnish committee of revision and clerk with copies of report of revisors,	147
See <i>Code of Virginia</i> .	

CIVIL CONTINGENT FUND.

List of warrants drawn on fund by executive,	370 to 373
--	------------

CLAIMS.

Committee, how many, (rule 27,)	6
Quorum of committee, (rule 29,)	7
Committee appointed,	32
To elect clerk, and when to discharge him, (rule 28,)	7
Resolution to repeal or amend act relative to limitations to claims and suits against the state,	97
Resolution authorizing Thomas Green to collect moneys due from general government to state,	661
Resolution to obtain from congress satisfaction for military claims,	267
Agreed to by senate,	280
See <i>Orange and Alexandria Railroad</i> .	
See <i>Alexandria</i> .	
See <i>Steamboats</i> .	

CLARKE COUNTY.

Resolution for separate election,	213
Bill to change place of separate election, (No. 331,)	259
Read first time,	424
Amended and to be engrossed,	451
Passed,	473
Passed by senate,	482
Resolution to authorize special term of county court,	141, 297
Reported on,	143
Acted on,	287
Bill therefor, (No. 410,)	301
Read twice and to be engrossed,	465
Passed,	478
Amended and passed by senate,	490
Amendments agreed to by house,	490

CLARKSBURG.

Petition for act of incorporation, Bill for electing trustees, &c. (No. 412,)	179
Read twice, to be engrossed,	301
Passed,	465
Passed by senate,	478
	490

CLARKSBURG AND PHILIPPI

TURNPIKE.

Bill to incorporate company, (No. 310,)	233
Read first time,	424

To be engrossed,	443
Passed,	450
Passed by senate,	472

CLARKSBURG AND WHEELING TURNPIKE.

Bill to incorporate company, (No. 375,)	276
Read first time,	426
To be engrossed,	462
Laid on table,	473

CLARKSVILLE.

Motion to bring in bill to enable town to levy taxes,	550
Laid on table,	550

CLAY, (ODEN G.)

Communicates list of subscribers, number of shares, &c. of Lynchburg and Tennessee railroad,	176
--	-----

CLEARY, (NICHOLAS.)

Petition to authorize sale of a slave belonging to his son,	120
Bill therefor, (No. 129,)	143
Read first time,	293
To be engrossed,	305
Passed,	309
Rejected by senate,	331

CLERK IN AUDITOR'S OFFICE.

Resolution to increase salary of second clerk,	355
--	-----

CLERK OF CHANCERY COURT.

Resolution to increase his compensation,	103
Bill therefor, (No. 169,)	158
Read first time,	294
To be engrossed,	312
Rejected; vote recorded,	320, 321

CLERK OF COUNCIL.

Communicates advices of council on claim of John M. Seely,	422
Printed. Doc. No. 77.	

CLERK TO HOUSE.

George W. Munford appointed,	3
How to record ayes and noes, (rule 12,)	5
Order of business, (rules 13, 16,)	5
Not to permit papers to be taken out of his possession, (rule 17,)	5
Journal, how and when to be drawn up, (rule 18,)	5
To publish laws, &c. with index, (rule 19,)	5
How to interchange messages with clerk of senate, (rule 20,)	5
To make schedule of petitions, (rule 21,)	5
To preserve petitions in office, (rule 22,)	5
List of documents to be kept when papers withdrawn, (rule 25,)	6
To refer petitions to committees, (rule 26,)	6
Committee to examine his office, (rule 27,)	7
Quorum of committee, (rule 29,)	7
Committee appointed,	37
Rule for reading bills, (rule 45,)	9
Report of committee presented,	136
Report acted on,	211, 212
His abstract from reports of clerks of courts,	37
Printed. Doc. No. 25.	

Required to have printed copies of act changing time of holding circuit courts for 19th and 20th circuits,	416	Reported on,	153
Resolution requiring him to furnish printer with amendments to Code,	667	Acted on,	287
Agreed to by senate,	673	Resolution to increase pay of clerk of Ohio circuit court,	227
Authorized to remove papers and records from his office to Fanquier White Sulphur springs,	527	Reported on,	270
To file and preserve one copy of each bill,	379	Laid on table,	358
Number of bills to be preserved by him,	498	Resolution to empower clerks to issue subpoenas for witnesses before terms of court,	115
Agreed to by senate,	505	Reported on,	146
CLERK OF OHIO CIRCUIT COURT.		Laid on table,	289
Increase of compensation; laid on table,	358	Resolution to furnish clerks with Virginia Reports,	196
CLERK OF SENATE.		Reported on,	219
How to interchange messages, (rule 20,) 5		Acted on,	357
CLERK IN TREASURY OFFICE.		Resolution to amend act relating to clerks of county courts,	113
Resolution to increase salary of first clerk,	91	Bill to authorize them to administer oaths, (No. 170,)	158
Bill therefor, (No. 162,)	156	Read first time,	294
Read first time,	294	To be engrossed,	312
To be engrossed,	306	Passed,	321
Passed,	310	Abstract from reports of clerks,	37
Amended and passed by senate,	444	Printed. Doc. No. 25.	
Amendments agreed to by house,	445	CLERKS OF COURTS OF ENQUIRY.	
CLERKS OF COMMITTEES.		Resolution to allow clerk of 179th regiment same pay with clerk to 19th regiment,	47
To keep lists of petitions, (rule 22,)	5	Laid on table,	259
To deliver petitions to clerk of house, (rule 22,)	5	Resolution to authorize them to administer oaths for excuses for fines,	177
To be elected and discharged, (rule 28,)	7	Laid on table,	270
Clerk of committee on banks discharged,	438	CLINCH RIVER.	
Of trade and mechanic arts discharged,	451	Resolution to provide for its examination,	103
Of roads and schools discharged,	461	Bill directing its survey, (No. 315,)	233
Of propositions discharged,	483	Read first time,	424
On revision and for courts of justice discharged,	572	To be engrossed,	452
Bill to pay clerk of committee on revision, (No. 453,)	330	CLOPTON, (JOHN B.)	
Read first time,	337	Petition to change Chesterfield circuit court,	385
Indefinitely postponed,	355	COAL RIVER.	
Leave to bring in another bill therefor,	355	Resolution for a survey with a view to its improvement,	298
Resolution fixing pay of clerk to committee on revision,	375	Laid on table,	461
Agreed to by senate,	414	COALSMOUTH.	
Amendments to Code relative to their number and compensation,	569	Petition of citizens to repeal free school law in Kanawha,	274
CLERKS OF COURTS.		CODE OF VIRGINIA.	
Resolution for furnishing them with copies of governor's message,	50	See <i>Civil Code.</i>	
Resolution to amend act requiring copies of partly proved deeds,	34	Amendments of senate to part I. taken up and acted on,	567, 568, 569, 570, 571, 572
Reported on,	45, 79	Amendment relative to elections in case of a tie; vote thereon,	567, 568
Laid on table,	81	Motion to reconsider that vote; vote recorded,	568, 569
Bill to extend time for executing deeds for land sold for taxes, (No. 140,)	149	Amendments relative to clerks of committees and their compensation,	569
Read first time,	293	Amendment relative to the power of pardon by the executive; vote thereon,	569, 570
To be engrossed,	312	Amendments relative to public library,	570, 571
Laid on table,	314	Amendment relative to exemption from militia duty,	571
Reconsidered, amended and to be engrossed,	328	Amendment relative to number of musters; vote thereon,	571, 572
Passed,	375		
Rejected by senate,	454		
Resolution to authorize judges to make allowances for public services,	86		

- Amendments relative to enrolment by volunteer companies of contributing members exempt from duty, 572
- Amendment relating to extra musters of volunteers, 572
- Action of senate on amendments of house to their amendments, and on amendments disagreed to by house, 597
- Bill and amendments laid on table, 597
- Action of senate and house on amendments relative to ties in elections; and who to decide; votes recorded, 599, 600, 601, 607, 608
- Action of senate and house on amendment relative to power of pardon by executive; vote thereon, 601, 602
- Action of senate and house on amendment relative to musters of volunteers; vote recorded, 602, 603
- Action of senate and house on amendment relative to enrolment by volunteers of contributing members; vote recorded, 603
- Action of both houses on amendment relative to company musters of militia, 603
- Further action of senate on amendments, 607
- Committee of conference asked on amendments, 608
- Report of committee, and the amendments recommended by them, 616, 617, 618
- Resolutions of committee agreed to, 618
- Report of committee agreed to by senate, 635
- Enrolled and examined, 647
- Examined and signed by speaker of senate, 673
- Bill concerning it, part I, (No. 522,) 514
- Secretary of commonwealth directed to distribute copies, 514
- Taken up, read twice; motion to commit third title, 515
- Motion negatived, 517
- Amendments to fifth chapter, 517
- House in committee of whole on part I, 517, 518, 522, 523, 528, 529, 530
- Bill reported from committee with amendments, 530
- Motion to vote on all amendments at once; vote recorded, 530
- Amendments, unless objected to as reported, to be agreed to, 530
- Amendment upon keeping poll open in elections; votes thereon, 531, 533, 534
- Amendments to give two commissioners of the revenue to Roanoke county, and to fixing their salary, disagreed to, 531, 532
- Amendment relative to pardoning power of governor; vote thereon, 532
- Action on amendment relative to pardon of slaves, and commutation of their punishment, 533
- Amendment relative to law libraries; vote thereon, 534, 535
- Amendment relative to word "state" and "commonwealth," 535
- Amendment relative to tax on bank stock held by non-residents, 535
- Vote thereon, 535, 536
- Bill as amended to be engrossed, 536
- Bill passed, 536
- Part II and part III presented by committee on revision, 520
- Bill, part I, passed by senate with amendments, 559
- Amendments to be printed, 559
- Bill concerning Code, part II, (No. 523,) read twice and referred to committee of whole house, 536
- House in committee, 536, 537, 538, 539, 540, 541
- Bill reported from committee with amendments, 541
- Action on amendments of committee, 541, 542, 543, 544, 545, 546, 547, 548
- Amendment relative to damages recoverable against officers on judgments, 542
- Amendment relative to election of commissioners of schools and their term of office, 542
- Amendments relative to inspection of flour; amendment thereto; vote thereon, 543, 544
- Amendments relative to compensation to commissioners of wrecks and wreckers; vote thereon, 544, 545
- Vote reconsidered and further amendments and votes, 546, 547, 548
- Amendments relative to oysters and terrapins; vote thereon, 545, 546
- Amendment submitted relative to county levies, and the subjects on which levies are made; vote thereon, 548
- Further amendment on same subject; vote, 549, 550
- Amendments relative to county levies for support of poor, 549
- Amendment relative to houses of private entertainment, 550
- Amendment relative to county levies in Berkeley county, 551
- Amendment relative to sale of articles inspected in small towns, 551
- Amendment relative to power to order patrols, 551
- Further amendments relative to county levies; vote recorded, 551, 552, 553
- Amendments relative to number of bank directors appointed by state and stockholders; vote thereon, 553
- Amendment relative to fishing in Accomack, 553
- Amendment relative to assignment of hands for working on roads, 554
- Amendment relating to fees of pilots; vote thereon, 554
- Amendment relative to state directors in internal improvement companies; vote recorded, 555
- Amendment relative to employment of of pilots, 555

- Previous question called and sustained
 on engrossing bill, 555
 Bill as amended to be engrossed, 555
 Read third time and passed, 555
 Passed by senate with amendments, 597
 To be printed, 597
 Action of house thereon, 633, 634, 638, 639, 642, 643
 Amendment relative to distressees or
 levy upon slaves; vote recorded, 633, 634
 Amendments as to directors to be ap-
 pointed by state in internal im-
 provement companies; votes there-
 on, 634, 635, 636
 Motion to reconsider vote, 636
 Amendment requiring University to
 educate, gratis, 32 young men;
 vote thereon, 637
 Amendment to give appointment of
 inspectors to governor; vote there-
 on, 637, 638
 Amendment as to fees of inspectors;
 vote recorded, 638
 Action of senate on house amend-
 ments, 639, 640
 Action of both houses on amendment
 relative to appointment of inspec-
 tors; votes thereon, 640, 641
 Amendment to give governor the ap-
 pointment on recommendation of
 courts; votes thereon, 641, 642
 Conference asked by senate, 644
 Agreed to by house, and committee
 appointed, 646
 Their report presented, and laid on ta-
 ble, 647
 Action of senate on amendments, 648, 649
 Further action of both houses on
 amendment relative to appoint-
 ment of inspectors; votes there-
 on, 648, 649
 Report of committee of conference
 agreed to by house, 649, 650, 651
 Further action of senate and house on
 amendment relative to inspectors;
 votes recorded, 653, 654, 655, 656
 Motion for a committee of conference;
 vote thereon, 655
 Amendment agreed to; vote thereon, 656
 Motion to reconsider vote; vote there-
 on, 656
 Amendment agreed to; vote thereon, 656, 657
 Final action on amendments, 657
 Bill enrolled and examined, 661
 Examined and signed by speaker of
 senate, 673
 Bill concerning Code, part III, read
 first time, 555
 Motion to refer to committee of whole
 house; vote thereon, 556
 Amendment relative to selling liquor
 to slaves, 556, 557
 Amendment relative to permitting
 slave to go at large, hiring himself
 out, 556
 Amendment relative to suits for free-
 dom; vote thereon, 556, 557
 Amendment relative to removal of
 free negroes into other counties,
 and when to be deemed vagrants;
 vote thereon, 558, 591
 Amendment relative to marriage of fe-
 males under fourteen, 558, 559, 580
 Amendment relative to hiring person
 suing for freedom during suit, 559, 560
 Motion by Mr. Rives to be ex-
 cused from voting on last
 amendment, 560
 Amendment relative to issuing patents
 for forfeited land, 560
 Bill laid on table, 560
 Motion to take up bill; no quorum, 561
 Vote on taking up recorded, 561, 562
 Amendment relative to gifts where
 possession remains with donor, 563
 House resolved into committee on bill;
 vote thereon, 563, 564, 565, 567, 572, 573
 Committee report bill with amend-
 ments, 573
 Action on committee's amendments,
 573, 574, 575, 576, 577, 578, 579
 Amendment of committee relative to
 permitting slaves to go at large, hir-
 ing themselves out, 573
 Amendment of committee relative to
 rewards for apprehending runa-
 ways, 574, 591
 Amendment of committee relative
 to privy examination and acknow-
 ledgment of deeds by married wo-
 men, 574
 Amendment of committee relative to
 number of justices to take such ac-
 knowledge; vote recorded, 574
 Amendments of committee relative to
 wills, 574, 575
 Amendment of committee relative to
 forfeiture of lands west of Alleghany,
 for failing to have them surveyed,
 &c.; vote thereon, 575, 576
 Amendment of committee relative to
 partitions of lands held jointly, or
 in common, 576
 Amendment of committee relative to
 mode of applying personal estates
 of decedents; previous question;
 vote thereon, 577
 Question on amendments; votes re-
 corded, 577, 578
 Amendment of committee relative to
 appointment of commissioners to
 settle accounts of fiduciaries; vote
 thereon, 578, 579
 Amendment of committee relative to
 factors or agents, 579
 Amendment of committee relative to
 actions for insulting words, 579
 Amendment relative to what constable
 may serve a warrant or execution, 580
 Amendment relative to warrants for
 small claims; to increase jurisdic-
 tion of justice; vote recorded, 580
 Amendment relative to preference of
 creditors by deeds of trust, &c.;
 vote recorded, 581

Amendment relative to legal interest ; increasing rate ; vote thereon, 581, 582	Agreed to by senate, 664 Committee appointed, 664 Their report presented and acted on, 667 to 672
Amendments relative to commissioner settling accounts of debts and de- mands against decedent, 582	Recommendations of committee agreed to by house, 672 Enrolled and examined, 677 Examined and signed in senate, 678 Bill concerning it, part IV, presented, Read twice ; motion to refer to com- mittee of whole house ; vote there- on, 597
Amendments relative to a statement of receipts and disbursements of fidu- ciaries, to be laid before commission- er, 582	Previous question on engrossing bill ; vote thereon, 598
Further amendments relative to fidu- ciaries, 582, 583, 585, 586	Amendment relating to the terms of county and corporation courts ; vote thereon, 598
Votes thereon, 584, 585	Further amendments, 599, 604
Vote reconsidered, 582, 594	Amendment relative to reduction of the number of circuit judges ; vote thereon, 599
Amendment relative to payment of what appears due from a guardian, curator, committee or trustee, 586	Bill laid on table, 599 Taken up, 604
Amendment relative to the order for applying decedent's assets to pay his debts, 586	Amendments relative to juries ; their age ; votes thereon, 604, 605
Further amendments on same subject, 593, 594	As to their property qualification ; votes thereon, 605, 606, 612, 613
Amendments relative to property of married women ; votes thereon, 586, 587, 588, 589	As to the number of the jury ; votes, 606, 608, 609
Bill and amendments laid on table, 587	As to paying jurors ; vote recorded, 609, 610
Amendment relative to giving justices concurrent jurisdiction with the cir- cuit and county courts, in cases not exceeding fifty dollars ; vote record- ed, 589, 590	As to revoking order of court for pay- ing jurors by levy, 610, 611
Amendment relative to rents, 590	Point of order between Mr. Goodson and Mr. Rives, as to right to floor ; speaker's decision ; appeal there- from ; vote thereon, 610, 611
Amendment relative to redemption and forfeiture of lands west of Allegha- ny, sold for taxes ; vote thereon, 590, 591	Amendment to strike out sections rela- tive to paying jurors by county levy ; vote thereon, 612
Amendment relative to actions by fa- milies for injuries to one of family, 592	Amendment prohibiting court from levying on titheables for paying juries ; vote thereon, 613
Amendment relative to distribution of personal estate of intestates, 592	Mr. Scott's substitute for chapter on juries withdrawn, 613
Further amendments, 592, 594, 596	Motion to go into committee of whole house ; vote recorded, 614
Amendment relative to interest and usury ; vote recorded, 592, 593, 596	Further amendments adopted, 614, 615, 624
Vote reconsidered ; vote recorded, 594, 595	Amendment relative to motions for re- covery of money due by bond, bill or note, in writing ; vote thereon, 614
On amendment making debtor witness to prove usury ; votes, 595, 596	Mr. Scott's substitute for chapter on juries, again presented, 618, 619, 620, 621, 622
Bill to be engrossed, 596	Motion by Mr. Perrow to amend sub- stitute, 622, 623
Passed, 597	Substitute amended, 623
Passed by senate with amendments ; laid on table and amendments to be printed, 647	Motion further to amend by changing mode of paying juries from treasury to county levy ; vote thereon, 623
Motion to take question on all amend- ments at once ; vote recorded, 657	Question on Mr. Perrow's amendment ; vote thereon, 624
Action on amendments of senate, 657, 658, 659, 660	Question on Mr. Scott's substitute ; vote recorded, 624, 625
Amendment relative to suits for free- dom ; votes recorded, 657, 658	Reconsidered ; vote recorded, 624, 626
Action of both houses on amendment relative to surveying western lands, and their forfeiture for failing ; vote thereon, 659	Mr. Pitt's substitute, being the law as it existed before passage of Code, 625 to 628
Action of both houses on amendment relative to the application of assets of decedents' estates ; vote record- ed, 660, 661	Adopted ; vote recorded, 629
Further action of house on amend- ments of both houses, 662, 663, 664	
Further action of senate thereon, 663	
Conference asked by house thereon, 663	

- Last vote reconsidered; recorded, 629
 Mr. Mayo's amendment relative to juries; vote thereon, 630
 Mr. Watson's amendment relative to juries, 630 to 632
 Vote thereon, 632, 633
 Bill to be engrossed, 639
 Passed, 661
 Passed by senate with amendments, 662
 Action of house thereon, 664
 Final action of senate, 666
 Senate agree to conference, 666
 Committee announced, 666
 Their report presented and acted on, 674 to 676
 Agreed to by house, 676
 Enrolled and examined, 677
 Examined and signed in senate, 678
 Bill concerning Code, part V, presented, 635
 Read first time, 643
 Read second time, 643
 Amendment as to murder of infants by mothers; vote thereon, 644
 Further amendments to bill, 644
 Amendment to make it a penitentiary offence to keep or exhibit gaming tables; vote thereon, 644, 645
 Amendment to punish with confinement in jail for betting at any game or wager; vote thereon, 645
 Amendment to authorize issue of small notes by banks; vote recorded, 645, 646
 Bill laid on table, 646
 Amendment to make usury an indictable offence; vote thereon, 646, 647
 To be engrossed, 648
 Passed, 653
 Passed by senate with amendments, 662
 Action thereon by house, 663
 Action of senate thereon, 666
 Conference asked by senate, 666
 Agreed to by house, 666
 Committee appointed, 666
 Their report presented and laid on table, 672
 Agreed to by senate, 673
 Report taken up and acted on by house, 673, 674
 Agreed to by house, 674
 Enrolled and examined, 677
 Examined and signed in senate, 678
 Leave to bring in a bill to provide for its publication, 653
 Bill brought in, (No. 531,) 655
 Read twice and to be engrossed, 655
 Laid on table, 662
 Engrossment reconsidered; amended and again ordered to be engrossed, 664
 Passed, 676
 Amended and passed by senate, 677
 Amendments agreed to by house, 677
 COLE, (NICHOLAS.)
 See *Kent*, (Stephen.)
 COLE RIVER NAVIGATION COMPANY.
 Bill incorporating company, (No. 493,) 393
 Read twice; to be engrossed, 467
- Passed; vote recorded, 493
 Passed by senate, 505
 COLIN, (JOHN B.)
 Nominated and voted for as public printer, 283, 284
 COLLECTION OF MONEY.
 Bill concerning collections under decrees in chancery, (No. 270,) 215
 Read first time, 374
 To be engrossed, 423
 Passed, 442
 COLLECTORS OF REVENUE.
 See *Sheriffs*.
 COLLEGES.
 Resolution to amend act relative to credits to students, 64
 Resolution to report bill of last session, 80
 Reported on, 122
 Acted on, 124
 Copy of journals, reports and documents to be given them, 379
 See *Emory and Henry College*.
 See *Rector College*.
 See *Schenandoah College*.
 COLONIZATION SOCIETY.
 Use of hall of house granted, 281
 COMMISSIONERS IN CHANCERY.
 See *Fiduciaries*.
 COMMISSIONERS OF ELECTIONS.
 Resolutions authorizing them to receive taxes at elections, 128
 COMMISSIONERS OF RAILROADS.
 Resolution to compel attendance of witnesses before them, 178
 Bill therefor, (No. 199,) 182
 Read first time, 235
 Amended and to be engrossed, 355, 356
 Passed, 386
 Passed by senate, 445
 COMMISSIONERS OF REVENUE.
 Resolution to change the term and mode of their appointment, 50, 79
 Reported on, 92
 Laid on table, 102
 Committed, 179
 Resolution to increase compensation of commissioner in Nansemond, 234
 Bill therefor, (No. 452,) 330
 Read twice, to be engrossed, 466
 Rejected, 487
 Resolution for increasing compensation of commissioner of Petersburg, 187
 Resolution to increase compensation of Norfolk commissioner, 191
 Bill increasing salaries of commissioners of Norfolk and Petersburg, (No. 313,) 457
 Passed, 457
 Rejected by senate, 482
 Resolution to increase pay of commissioner in Richmond, 122
 Bill therefor, (No. 218,) 186
 Read first time, 326
 To be engrossed, 386
 Passed, 412
 Rejected by senate, 460
 Resolution to increase pay of commissioners of Roanoke county, 230

Amendment to Code to give two commissioners to Roanoke county and fix their compensation, 531, 532	Resolution continuing their sitting during recess of legislature, 446
Resolution for increasing compensation of commissioner of Jefferson county, 277	Agreed to by senate, 460
Bill to increase compensation of those of Jefferson and Roanoke, (No. 426,) 307	See <i>Code of Virginia</i> .
Read twice, to be engrossed, 465	COMMITTEES.
Passed, 485	Members not to vote when not present, (rule 7,) 4
Bill to compensate those of Loudoun for listing dogs, (No. 89,) 122	Standing committees to be appointed by speaker, (rule 27,) 6
To be engrossed, 127	Number of each specified, (rule 27,) 6
Passed, 130	Quorum of each, (rule 29,) 7
Passed by senate, 152	Select committees, of how many composed, (rule 31,) 7
Bill increasing salaries of those in Patrick, (No. 67,) 103	Duty of committee of privileges and elections, (rules 32, 33,) 8
To be engrossed, 105	Duty of committee of schools and colleges, (rule 34,) 8
Passed, 108	Standing committees to be called daily for reports, (rule 46,) 9
Amended and passed by senate, 165	To elect and discharge their clerks, (rule 28,) 7
Amendment agreed to, 165	Committees appointed, 32, 37
Resolution to require them to assess property in person, 65	To announce to governor organization of house, 9
Bill concerning them, (No. 373,) 276	Of roads, &c. increased, 65
Read first time, 426	For courts of justice increased, 66
To be engrossed, 462	On enrolled bills enlarged, 455, 646
Laid on table, 473	See <i>Revision</i> .
Resolution to amend law fining them for failing to swear taxables, 123	Resolution requiring committees on banks, and trade and mechanic arts to elect a clerk jointly, 48
Letter from commissioner of Caroline on same subject, 123	Laid on table, 48
Acted on, 126	Clerk of committee on banks discharged, 438
Resolution to make justices eligible to office, and to authorize them to celebrate rites of matrimony, 217	Clerk of committee on trade and mechanic arts discharged, 451
Reported on, 219	Clerk of committees of roads and schools discharged, 461
Acted on, 357	Clerk of committee on propositions discharged, 483
Resolution to repeal act of March 16, 1847, 113	Clerks of committees on revision and for courts of justice discharged, 572
Reported on, 146	Amendments to Code, relative to number of clerks and their pay, 569
Laid on table, 289	Rule to prevent counsel discussing before committees, 225
Resolution to divide counties into small revenue districts and compel persons to list property therein, 191, 192	See <i>Fiduciaries</i> .
See <i>Weadon, (John,) or Fox, (George K.)</i>	COMMONWEALTH.
COMMISSIONERS OF SALES.	Amendment to Code relative to word "state" and "commonwealth," 535
Resolution to require from them bond and security for purchase money, 46	COMMONWEALTH'S ATTORNEYS.
Bill concerning them, and for collection of money under decrees in chancery, (No. 270,) 215	Resolution relative to their fees in circuit courts, 40
Read first time, 374	Report referred, 68
To be engrossed, 423	Resolution to elect them by joint vote of legislature, 50
Passed, 442	Reported on, 182
Passed by senate, 460	Acted on, 289
COMMISSIONERS OF SCHOOLS.	CONFERENCES.
Amendment to Code, relative to their election and term of office, 542	On bill and amendments concerning Code of Virginia, part I, 608
COMMITTEE ON REVISION.	Agreed to by senate, 612
Bill to pay clerk and committee on revision, (No. 453,) 330	Committee announced, 612
Read first time, 337	Report of committee and their amendments, 616, 617, 618
Indefinitely postponed, 355	Amendments recommended by them agreed to, 618
Leave to bring in another bill therefor, 355	Report agreed to by senate, 635
Resolution fixing pay of clerk, 375	
Agreed to by senate, 414	

Requested by senate on bill concerning Code, part II,	644	Report of committee,	272
Agreed to by house, and committee appointed,	646	CONTINGENT FUND.	
Their report presented and laid on table,	647	Warrants drawn on it,	370 to 373
Agreed to by senate on bill concerning Code, part III,	664	CONVENTION.	
Committee appointed,	664	Recommended by governor,	29
Their report presented and acted on,	667 to 672	Resolution to take sense of people on call of convention,	115
Recommendations of committee agreed to by house,	672	Committee thereon,	117
Motion for a conference on amendments to Code relative to appointment of inspectors; negatived; voto recorded,	655	Report of committee on amending constitution of state,	186, 326
Report of committee on amendments to Code, part IV,	674, 675, 676	Motion to commit, with instructions,	326
Agreed to by house,	676	Report and instructions laid on table,	326
Asked by senate on bill concerning Code, part V,	666	CONVENTION, (INTERNAL IMPROVEMENT.)	
Agreed to by house,	666	Governor communicates their proceedings relative to extension of Louisiana railroad,	73
Committee appointed,	666	Printed. Doc. No. 28.	
Their report presented and laid on table,	672	CONVEYANCES.	
Agreed to by senate,	673	Resolution alienating conveyances and wrongful alienations,	141
Report taken up and acted on by house,	673, 674	Committee discharged and laid on table,	183
Agreed to by house,	674	See <i>Benevolent Associations</i> .	
CONGER, (THOMAS,) and others.		COOKE, (JAMES.)	
Petition for separate election in Braxton,	57	Petition to suppress small notes,	200
CONGRESSIONAL ELECTIONS.		COPWAY, (G.)	
Resolution for changing time of elections,	53	Use of hall granted him to lecture on Indians,	128
Reported on,	232	CORNWELL, (JAMES.)	
Acted on,	308	Petition to be released from a fine,	88
CONROD, (PETER.)		Bill therefor, (No. 118,)	135
Petition to be paid for additional guard to a convict,	234, 235	Read first time,	211
Laid on table,	454	To be engrossed,	265
CONSTABLES.		Passed,	269
Resolution to amend act authorizing them to require indemnifying bonds,	234	Passed by senate,	327
Reported on,	266	CORPORATIONS.	
Laid on table,	358	Resolution to amend law concerning suits against them,	184
Resolution to regulate their fees,	72	Bill therefor, (No. 209,)	185
Reported on,	84	Read first time,	295
Acted on,	90	Amended and to be engrossed,	326
Resolution to change law to allow them same fees with sheriffs, for taking delivery bonds,	98	Passed,	412
Bill concerning their fees, (No. 168,)	158	Amended and passed by senate,	446
Read first time,	294	Amendments agreed to by house,	446
To be engrossed,	312	CORRECTION, (HOUSE OF.)	
Laid on table,	320	Report thereon,	216
Amendment to Code as to what constable may serve a warrant or execution,	580	Acted on,	357
CONTESTED ELECTIONS.		CORRECTIONS.	
Duty of committee of privileges, (rule 33,)	8	Of mistakes in recording ayes and noes, (rule 12.)	5
Person successful in contest, entitled to pay, (rule 36,)	8	CORRECTION OF ERRORS.	
Committee to send for persons and papers in Buckingham contest,	74	Resolution for repeal of act concerning correction of errors in chancery, and regulating appeals,	52
Documents presented,	47, 74, 234	Bill therefor, (No. 109,)	132
		Read first time,	210
		To be engrossed,	228
		Passed,	258
		Passed by senate,	296
		COTERMINOUS LANDS.	
		Resolution relative to draining such lands,	87
		Reported on,	153
		Acted on,	288
		COUNCIL.	
		Resolution for arranging apartments for them,	66

Resolution calling for their advice on claim of John M. Seely,	415	Passed,	214
Information furnished,	422	Passed by senate,	296
Printed. Doc. No. 77.		Resolution to change time of court of Harrison,	109
COUNCILLOR.		Bill therefor, (No. 121,)	140
Resolution for proceeding to election,	205	Read first time,	211
Amended and agreed to by senate,	224	To be engrossed,	230
Amendment amended by house,	224	Passed,	285
Amendment of house agreed to by senate,	237	Passed by senate,	306
Election made; vote recorded; John F. Willy elected,	265, 266	Proceedings of Harrison court confirmed and legalized,	522
COUNSEL.		Agreed to by senate,	525
Rule to prohibit them from discussing before committees,	225	Bill to change county court of Jackson, (No. 201,)	182
Postponed indefinitely,	225	Read first time,	295
COUNTIES.		To be engrossed,	311
Resolution to repeal law relative to voting for new counties,	65	Passed,	323
Resolution to amend act concerning formation of new counties,	273	Amended and passed by senate, and amendments agreed to by house,	331
Reported on,	158	Resolution to change time of holding court in Wetzel county,	118
Acted on,	291	Bill therefor, (No. 128,)	143
Bill to create new county out of Accomack, (No. 157,)	183	Read first time,	293
COUNTY COURTS.		To be engrossed,	305
Recommendations of governor,	18, 19	Passed,	309
Referred,	46, 57, 66	Passed by senate,	319
Reported on,	185	Resolution to change days of those holden on Monday, to some other day; vote thereon,	277
Acted on,	289	Amendment to Code relative to the terms of the courts; vote thereon,	598
Justices to perform duties in court in rotation,	56	COUNTY LEVIES.	
Reported on,	185	See <i>Levies</i> .	
Acted on,	289	COUNTY SUBSCRIPTIONS.	
Bill authorizing three justices to constitute a court, (No. 64,)	103	Bill to authorize courts to subscribe for counties to internal improvement companies, (No. 515,)	438
Referred to committee on revision,	105	Read twice, to be engrossed,	468
Committee discharged,	183	Passed,	492
Recommitted,	210	Passed by senate,	505
Passed,	214	COURTNEY, (PHILIP.)	
Rejected by senate,	337	Prayer by him,	219, 525
Resolution to authorize special term of county court of Clarke,	141, 297	COURTHOUSES.	
Reported on,	143	See <i>Middlesex County</i> .	
Acted on,	287	See <i>Grayson County</i> .	
Bill to change time of court of Clarke, (No. 410,)	301	See <i>Wirt County</i> .	
Read twice, to be engrossed,	465	See <i>Roanoke County</i> .	
Passed,	478	See <i>Brooke County</i> .	
Amended and passed by senate,	490	COURT OF APPEALS.	
Amendments agreed to by house,	490	Commented on by governor,	16
Resolution to dispense with monthly terms,	93	See <i>Appeals, (Court of.)</i>	
Reported on,	153	See <i>Mandamus</i> .	
Acted on,	288	COURT OF APPEALS, (SPECIAL.)	
Bill to change time of holding county court of Braxton, (No. 12,)	59, 67, 78, 83, 149	Resolution to provide compensation for judges,	97
Bill to change April term of Mason court, (No. 17,)	69, 78, 83, 88, 162	See <i>Special Court of Appeals</i> .	
Bill to change county court of Alexandria, (No. 69,)	110, 116, 121, 149	COURTS.	
Resolution to change time of holding courts of Kanawha, Cabell, Wayne, Logan, Boone and Putnam,	128	Suggestions and recommendations of governor,	16 to 19
Bill changing courts of Cabell, Wayne, Boone and Kanawha, (No. 112,)	135	See <i>General Court</i> .	
To be engrossed,	210	See <i>Appeals, (Court of.)</i>	
		See <i>Circuit Courts</i> .	
		See <i>County Courts</i> .	
		See <i>Special Court of Appeals</i> .	
		COURTS OF ENQUIRY.	
		Resolution to allow clerk of 179th regiment same pay with clerk to 19th regiment,	47

COURTS OF JUSTICE.		CRIMINAL PROSECUTIONS.	
Committee, how many, (rule 27,)	6	Bill concerning criminal prosecutions	
Quorum of committee, (rule 29,)	7	in Richmond, (No. 302,)	226
To elect and discharge their clerk,		Read first time,	423
(rule 28,)	7	Amended and to be engrossed,	443
Committee appointed,	32	Passed,	449
Committee increased,	66	Passed by senate,	482
Clerk of committee discharged,	572	CROLLY & M'KEOWN.	
COVINGTON BRIDGE.		Leave to bring in bill concerning them,	285
Resolution to require owners of stages		Bill brought in, (No. 428,)	307
to pay tolls by trip,	166	Read twice, to be engrossed,	465
Bill concerning it, (No. 458,)	332	Laid on table,	484
Read twice, to be engrossed,	466	CROWS.	
Passed,	485	Resolution to allow reward for killing	
Passed by senate,	495	crows in Bath county,	128
COVINGTON AND OHIO RAILROAD.		Reported on,	176
Resolution to construct it,	38	Acted on,	291
Bill to incorporate company, (No.		CROZET, (CLAUDIUS.)	
123,)	140	Resolution to give him additional com-	
Read first time,	211	pensation for map,	157
Order of day,	286	Bill concerning him, (No. 253,)	204
To be engrossed,	321, 322	Read first time,	352
Rejected; vote recorded,	352, 353	To be engrossed,	423
Reconsidered; vote recorded,	411, 412	Passed,	427
Amended and order of day,	412	Passed by senate,	459
Rejected; vote recorded,	428	CRUMBACKER, (E. C.,) and others.	
Motion to reconsider; vote recorded,	434	Petition to incorporate Sons of Tem-	
COWLES, (H. B.)		perance in Wheeling,	88
Prayer by him,	114, 215, 414, 437	Reported on,	259
CRANEY ISLAND.		Laid on table,	360
Report of committee presented,	328	CRUMP (JOHN C.)	
Printed. Doc. No. 75.		Resignation as general,	63
Order of day,	355	CULPEPER COUNTY.	
Acted on,	395 to 410	Petition for separate election,	88
See <i>Swords</i> .		Bill therefor, (No. 75,)	111
CREEK COMPANY OF COLLIERIES.		Committed,	116
Petition for re-assessment of land,	155	Reported with amendments,	125
Bill therefor, (No. 224,)	190	Amended and engrossed,	125
Read first time,	326	Passed,	130
To be engrossed,	387	Passed by senate,	149
Passed,	413	CUMBERLAND COUNTY.	
Amended and passed by senate,	446	Petition for extension of the James	
Amendments agreed to by house,	446	river and Kanawha canal,	69
CRIMES AND PUNISHMENTS.		Remonstrance against it,	187
Bill to amend act, (No. 133,)	147	CUMBERLAND GAP AND PRICE'S	
Read first time,	293	TURNPIKE.	
Laid on table,	312	Resolution to complete bridge across	
Amended,	374	Powell's river on the road,	113
To be engrossed,	375	Bill therefor, (No. 180,)	159
Laid on table,	386	Read first time,	294
CRIMINAL CODE.		Order of day,	309
Resolution to amend 16th section of		To be engrossed,	322
15th chapter,	53	Rejected; vote thereon,	383
Reported on,	79	CURATORS.	
Acted on,	82	See <i>Fiduciaries</i> .	
Report on repealing 8th section,	59, 127	D	
Reported on,	74	DAILY, (NANCY A.)	
Acted on,	68, 82	Petition to be paid for tuition of poor	
Report on repealing act relative to pas-		children,	167
sing bank notes,	59	Reported on,	190
Report on amending 19th section,	59	Acted on,	327
Resolution to amend 17th section to		DAMAGES.	
give right of appeal to persons		Amendment to Code, relative to da-	
therein mentioned,	183	damages recoverable against officers	
Resolution for annexing to it set of		on judgments on motions,	542
forms,	98	See <i>Mill Dams</i> .	
See <i>Code of Virginia</i> .			

DAMS.

Low's dam, (bill No. 354,)	266, 475
Davis's dam, (bill No. 509,)	437, 468, 505
See <i>Griffith's Dam.</i>	
See <i>Paxton, (James.)</i>	
See <i>Mill Dams.</i>	

DANIEL, (PETER M.)

Bill releasing damages, (No. 48,)	90
Read first time,	96
To be engrossed,	101
Passed,	108
Amended and passed by senate,	165
Amendment agreed to by house,	165

DANIEL, (WILLIAM.)

Voted for as governor,	60, 61
------------------------	--------

DARKESVILLE.

Petition to repeal charter,	35
Bill concerning town, (No. 10,)	59
Read first time,	67
To be engrossed,	78
Passed,	82
Passed by senate,	146

DAVIS, (FRANKLIN.)

Petition to build a mill and dam on Buffalo creek,	123
--	-----

DAVIS'S DAM.

Bill dispensing with slope therein, (No. 509,)	437
Read twice, to be engrossed,	468
Passed,	492
Passed by senate,	505

DAVIS, (REUBEN.)

Petition to be released from a fine,	73
Bill releasing damages, (No. 53,)	92
Read first time,	101
To be engrossed,	104
Passed,	108
Passed by senate,	337

DAVIS'S CRIMINAL LAW.

Resolution relative to contract for purchase of copy right,	52
Bill to pay balance of purchase money for it, (No. 18,)	70
Read first time,	78
To be engrossed,	83
Passed,	88
Amended and passed by senate,	444
Amendments agreed to by house,	445

DEAF, DUMB AND BLIND.

Report of visitors communicated by governor,	26
Report of visitors referred,	80
Copy of journals, reports and documents to be given them,	379
Bill to provide additional accommodations, (No. 86,)	122
To be engrossed,	130
Passed,	180
Passed by senate,	205
Resolution to report bill charging upon the treasury the annual appropriation,	64
Bill therefor, (No. 113,)	135
Read first time,	211
To be engrossed,	265
Passed,	269
Rejected by senate,	236

DEATHS.

Of John W. Thompson announced,	271
Resolutions thereon,	271
Committee to attend his remains,	271
Resolutions on death of James K. Polk,	538
Agreed to by senate,	539
Of Thomas L. Nelson, doorkeeper of senate, announced,	587

DE BAR, (I. DIS.)

Petition for creditors of James Swan, relative to delinquent lands,	278
---	-----

DEBATE.

Members how to address chair, (rule 2,)	4
To adhere to subject, (rule 2,)	4
Members in debate, how recognized, (rule 3,)	4
How often to speak, (rule 4,)	4
Questions once determined, not again debateable, (rule 5,)	4
Members confined to 15 minutes,	434
Resolution to limit debate to half hour,	355
Amendments proposed,	355
Resolution indefinitely postponed,	355
Motion to extend time to Mr. Thompson of Jefferson; vote recorded,	594
Previous question not debateable,	607
On Virginia and Tennessee railroad stopped,	385
Point of order as to who has right to floor; speaker's decision; appeal therefrom; vote thereon,	610, 611
Mr. Goodson's statement; withdrawn,	612

DEBT.

Bill to abolish imprisonment for debt, (No. 274,)	219
Read first time,	302
Order of day,	422
Referred to committee on revision,	440
Resolution to protect property of wives from debts of husbands,	50

DEBT, (PUBLIC.)

Report of committee on state debt,	59
Printed. Doc. No. 27.	
Bill for gradual redemption of debt, (No. 125,)	140
Read first time,	211
Order of day,	286
Amended and to be engrossed,	456
Passed,	462
Passed by senate,	489

DECEDENTS.

Amendment to Code relative to mode of applying their personal estates; previous question; vote thereon, and vote on amendment,	577, 578
Relative to commissioners settling their accounts,	582
Relative to order for applying assets,	586
See <i>Fiduciaries.</i>	

DECREES.

See *Commissioners of Sale.*

DEEDS.

Resolution to amend act requiring clerks to copy partly proved deeds,	34
Reported on,	48, 79
Laid on table,	81
Acted on,	208

Bill concerning partly proved deeds, (No. 275,) 219	Reconsidered, amended and to be again engrossed, 328
Read first time, 374	Passed, 375
To be engrossed, 431	Rejected by senate, 454
Passed, 442	Resolution to authorize redemption, 86
Passed by senate, 460	Resolution to amend act concerning delinquent lands, 141
Bill concerning office copies of deeds, (No. 301,) 301	Reported on, 215
Read first time, 381	Acted on, 357
To be engrossed, 443	Bill to amend act concerning them, (No. 387,) 284
Passed, 449	Read first time, 426
Resolution to authorize purchasers of delinquent lands to obtain deeds from clerks, 73	To be engrossed, 463
Reported on, 84	Laid on table, 473
Acted on, 89, 90	Rejected, 487
Resolution to extend time for execu- tion of deeds to purchasers of land sold for taxes, 131	Amendment to Code relative to grants for forfeited lands, 560
Bill to extend time for executing deeds for land sold for taxes, (No. 140,) 149	Amendment to Code relative to for- feiture for failing to have western lands surveyed, &c.; vote thereon, 575, 576
Read first time, 293	Amendment relative to redemption and forfeiture of lands sold for taxes; vote thereon, 590, 591
To be engrossed, 312	See <i>Western Land Titles</i> .
Laid on table, 314	DELS, (H. H.)
Reconsidered, amended and to be en- grossed, 328	Petition to release John A. Kinnard from a judgment, 36
Passed, 375	See <i>Kinnard, (John A.)</i>
Rejected by senate, 454	DEMURRERS.
Amendment to Code relative to privy examination and acknowledgment of deeds by married women, 574	Resolution providing that no demur- rer shall be entertained for misjoin- der, 220
Relative to number of justices before whom examination is made, 574	Reported on, 224
DEEDS OF TRUST.	Laid on table, 358
Amendment to Code relative to pre- ference of creditors by such deeds, 581	DEPOSITIONS.
DEER.	Resolution relative to taking deposi- tions of witnesses residing at a distance, 93
Bill relative to killing deer in particu- lar seasons, (No. 70,) 111	Reported on, 153
Laid on table, 124	Acted on, 288
Rejected, 139	Resolution to provide for taking them upon notice to counsel where either party are non-residents, 154
DEFENDANTS.	DESCENTS.
Resolution relative to judgments for defendants where account exceeds that of plaintiff, 206, 207	Resolution to repeal 11th and 12th sec- tions of statute of descents of 1819, 267
Reported on, 219, 266	DESELLEM, (A. G.)
Acted on, 357	Petition to sell estate of an idiot, 106
DELEGATES.	See <i>Disselms, (John.)</i>
Qualified and took their seats, 3	DEVICES.
See <i>Members</i> .	See <i>Benevolent Associations</i> .
List of names and counties, 679, 680	DE WITT, (B. M.)
See <i>Assembly, (General.)</i>	Voted for as printer, 65
See <i>Legislature</i> .	DICKERSON, (MONTROVILLE W.)
DELINQUENT LANDS.	See <i>Microscope</i> .
Resolution to amend act on subject, 38	DINWIDDIE COUNTY.
Reported on, 48	Petition for a separate election, 114
Resolution to authorize purchasers of delinquent lands to obtain deeds from clerks, 73	Bill to establish separate election, (No. 116,) 135
Reported on, 84	Read first time, 211
Acted on, 89, 90	To be engrossed, 265
Resolution to extend time for execu- ting deeds, 131	Passed, 269
Bill therefor, (No. 140,) 149	Passed by senate, 329
Read first time, 293	DIRECTORS.
To be engrossed, 312	See <i>Banks</i> .
Laid on table, 314	See <i>Board of Public Works</i> .
	See <i>Joint Stock Companies</i> .

DISCOUNTS.	
Resolution to amend laws relating to discounts,	52
DISMAL AND WALKER'S CREEK IRON MANUFACTORY.	
Resolution to incorporate company,	260
Bill therefor, (No. 376,)	276
Read first time,	426
Amended and to be engrossed,	462
Passed,	477
Passed by senate,	489
DISSELMS, (JOHN.)	
Passed by senate,	331
See <i>Sellem, (John D.)</i>	
DISTRESS.	
Amendment to Code relative to distress, or levy upon slaves; vote recorded,	633, 634
DISTRIBUTION.	
Resolution to repeal act of 1848 concerning wills, &c.,	310
Amendment to Code relative to distribution of personal estate of intestates,	592
DISTRICT OF COLUMBIA.	
See <i>Wilnot Proviso.</i>	
DISTRICT FREE SCHOOLS.	
Resolution for repealing act establishing district free schools,	56
Leave to bring in bill to establish them in King George,	313
Bill brought in, (No. 442,)	320
Read twice and to be engrossed,	320
Passed,	386
Passed by senate,	445
Bill making provision for primary and district free schools, (No. 516,)	446
Read twice and to be engrossed,	446
Passed,	457
Passed by senate,	482
Bill concerning schools in Ohio, (No. 161,)	156
Read first time,	294
Amended and to be engrossed,	309
Passed,	321
Passed by senate,	333
See <i>Jefferson Free Schools.</i>	
DIVISION OF HOUSE.	
How required and taken, (rule 37,)	8
DIVORCES.	
Resolution to amend law relative to place where suits are brought,	191
Bill concerning divorces, (No. 256,)	205
Read first time,	352
To be engrossed,	423
Laid on table,	427
Nancy Peyton, (bill No. 472,)	354, 496
Sarah A. Raymond, (bill No. 15,)	67, 78, 182
Peter Moore, (bill No. 33,)	74, 95
Cynthia A. Calloway, (bill No. 47,)	90, 96, 108, 139, 377
Norman, (Lucy W.) (bill No. 66,)	103, 188, 210, 214, 270
Biddle, (Henry,) (bill No. 127,)	143, 293, 305, 309, 331
Harrison, (James B.) (bill No. 155,)	152, 305, 418

Williams, (Sarah W.) (bill No. 190,)	176, 311, 322, 325, 377
Mitchell, (Robert H.) (bill No. 202,)	182, 295, 311, 323, 334
Bill divorcing Henry C. Moore, (No. 482,)	384, 467, 491
Bill divorcing Wm. Rucker, (No. 504,)	419, 468, 492
DIXON, (LEROY.)	
Petition to be paid for tuition of poor children,	217
Reported on,	228
Laid on table,	369
DOCUMENTS.	
Filed with petitions, list to be kept when withdrawn, (rule 35,)	8
How to be printed and bound, (rule 38,)	8
See <i>Subjects under proper heads.</i>	
Resolution to print and distribute reports and documents,	87
Laid on table,	87
Printed. Doc. No. 31.	
Resolution relative to preparation and distribution of printed documents,	378
Amended and agreed to,	379
Printing and distributing, agreed to by senate,	454
DODDRIDGE COUNTY.	
Petition for separate election,	167, 207
Laid on table,	483
Bill to authorize separate election, (No. 240,)	196
Read first time,	361
To be engrossed,	414
Ryder offered and bill passed,	417
Title amended, adding election in Rappahannock,	417
Passed by senate,	445
DOGS.	
See <i>Commissioners of Revenue.</i>	
Motion to amend tax bill to tax dogs; negatived,	194
DOLL, (PENFIELD.)	
Prayer by him,	212
DOORKEEPERS.	
Appointed,	4
Death of doorkeeper of senate announced,	587
DORNEY, (JANE,) and others.	
Petition for compensation for revolutionary services of John Woodsides,	77
DOVE, (JOHN E. or SAMUEL E.)	
Petition to pay chaplain at the penitentiary,	119
Laid on table,	307
DOVE, (REUBEN.)	
Petition of Jacob Trumbo and others, for the account of Dove for teaching,	43
See <i>Trumbo, (Jacob.)</i>	
DOWER.	
Resolution to provide for taking relinquishment of dower in estate of lunatics,	44
Bill therefor, (No. 35,)	79
Laid on table,	100
Committed,	116
Reported with amendment,	128

Amended and to be engrossed,	269	Recommitted,	289
Passed,	274	See <i>Blood</i> , (<i>Fleming and Friendless</i> .)	
Amended and passed by senate,	307	EDWARDS, (WILLIAM L.)	
Amendments agreed to by house,	307	Petition to change Alexandria county court,	110
DRAINS.		ELECTIONS.	
Resolution relative to irrigating lands,	87	Committee of privileges and elections to examine sheriffs' returns and qualifications, (rule 32,)	8
Reported on,	153	But one vacancy in elections to be filled at once, (rule 44,)	9
Acted on,	288	By joint vote, how made, (rule 44,)	9
DUMAS, (JOHN P.)		Clerk of house appointed,	3
See <i>De Bar</i> , (<i>I. Dis.</i>)		Speaker elected,	3
DUMB.		Sergeant-at-arms appointed,	4
See <i>Deaf, Dumb and Blind</i> .		First and second doorkeepers,	4
DUNCAN, (EDWIN S.)		Report of committee on returns of members presented,	296
Resignation communicated by governor,	18	Report acted on,	365
DUNKARD CREEK TURNPIKE.		Judge for 18th circuit elected,	55
Resolution to amend act concerning company,	430	Of judge of 2d circuit,	59
Bill brought in, (No. 511,)	437	Of governor made,	60, 61, 62
Read twice, to be engrossed,	468	Of public printer,	62
Passed,	492	Of general for first brigade,	70
Passed by senate,	505	Joint votes recorded,	70
DUNMAN, (PIETY.)		Of general for tenth brigade,	71
Resolution to amend act concerning her,	267	For brigadier general for eighth brigade; vote,	200, 201
Bill concerning her, (No. 398,)	264	For brigadier general for third brigade; votes,	201, 202
Read first time,	426	For auditor, second auditor, treasurer, register, secretary of commonwealth and librarian, superintendent and storekeeper of penitentiary; votes recorded,	202, 203, 204
To be engrossed,	463	Motion to postpone said election,	202
Passed,	478	Of councillor; vote recorded; John F. Wily elected,	265, 266
Passed by senate,	489	Of public printer, made to supply vacancy of Samuel Shepherd,	283
DUNNING, (HALSEY.)		William F. Ritchie elected; joint vote,	283, 284
Prayer by him,	319, 323	Writ issued to elect delegate for Bouteau county,	271
DUVAL, (STEPHEN.)		Writs of election to sheriffs of Bath and Highland, to supply vacancy of A. H. Byrd,	479
Petition for remission of a fine,	142	Writ issued to Amherst county to supply vacancy of Paulus Powell,	514
Reported on,	156	Writ to issue to Buckingham county to supply vacancy of George W. Kyle,	521, 522
Acted on,	290, 291	Writ issued to Washington county,	76
E		Resolution to change time of holding general elections,	53
EACHES, (JOSEPH.)		Reported on,	232
See <i>Alexandria Canal Company</i> .		Acted on,	308
EARLEY, (RICHARD.)		Resolution relative to returns of election of president and vice president,	166
Petition to pay E. N. Taylor for tuition of poor children,	151	Laid on table,	483
Reported on,	212	See <i>Presidential Election</i> .	
Acted on,	351	Resolution to make it an indictable offense to bribe voters in elections,	118
EASLEY, (ROBERT.)		Bill to punish frauds, (No. 141,)	149
Petition to change law of mill dams,	129	Read first time,	293
EASTERN LUNATIC ASYLUM.		To be engrossed,	312
See <i>Lunatic Asylums</i> .		Postponed indefinitely,	314
EASTHAM, (LAWSON.)			
Voted for as general,	70		
EDDY, (JOSHUA.)			
Petition to be paid for work on Smithfield and Fishing creek road,	200		
See <i>Farr & Eddy</i> .			
EDITORS.			
Allowed seats in hall,	33		
EDUCATION.			
School books to be uniform, suggested by governor,	26		
Report of second auditor relative to registration of children,	107		
EDWARDS, (GEORGE.)			
Petition to change names of F. and F. Blood,	152		
Reported on,	156		

Resolutions authorizing commissioners of elections to receive taxes at elections,	128, 166	Laid on table,	413
Bill defining duties of officers at separate election precincts, (No. 252,)	204	Rejected; vote recorded,	461
Read first time,	352	EMPIE, (ADAM.)	
Amended and to be engrossed,	421	Prayer by him,	109, 135, 146, 275, 301, 472, 481
Passed,	427	ENGINEERS.	
Passed by senate,	472	Resolution to refer governor's message relative to appointment of state engineer,	98
Question as to time of keeping open polls, and causes therefor; votes on amendments,	530, 531, 533, 534	Bill to appoint a state engineer, (No. 357,)	267
Amendment to Code relative to elections in case of tie; vote thereon,	567, 568	Read first time,	425
Motion to reconsider that vote; vote recorded,	568, 569	Laid on table,	458
Action of both houses on said amendments; votes recorded,	599, 600, 601	Resolution to unite offices of captain of public guard and chief engineer,	191
ELIZABETH CITY COUNTY.		Report of engineer of James river and Kanawha company printed,	139
Petition to amend oyster laws,	77	See Doc. No. 44.	139
Laid on table,	483	ENGROSSED BILLS.	
See <i>Oysters</i> .		Motion to lay on table to submit a resolution; vote recorded,	479
Petition relative to pilots; withdrawn and again referred,	80	ENROLLED BILLS.	
See <i>Pilots</i> .		Committee to examine them, (rule 27,)	7
Petition to incorporate town of Hampton,	129	Quorum of committee, (rule 29,)	7
See <i>Hampton</i> .		Committee appointed,	37
ELK FORK.		Committee increased,	455, 646, 677
Bill to declare it a public highway, (No. 82,)	117	Examined and reported,	323, 393, 460, 486, 497, 505, 506, 661, 647, 677, 678
Laid on table,	124	Examined and signed by speaker of senate,	482, 496, 506, 678
Passed,	127	Signed by speaker of house,	498 to 501, 506 to 513, 678
Passed by senate,	156	ENTERTAINMENT, (PRIVATE)	
ELK RIVER BRIDGE COMPANY.		Resolution for repealing law imposing fine for dieting without license,	34
Resolution to amend its charter,	206	Amendment to Code relative thereto,	550
Bill therefor, (No. 311,)	233	EOFF, (JOHN Q.,) and others.	
Read first time,	424	Remonstrance against petition of Wheeling relative to brokers' licenses,	314
To be engrossed,	443	Printed. Doc. No. 72.	
Passed,	450	ERRORS.	
Passed by senate,	472	In recording ayes and noes, how and when corrected, (rule 12,)	5
ELZA, (THOMPSON.)		Resolution to repeal act for correction of errors and regulating appeals,	52
Resolution for exempting his company from regimental musters,	187	Bill to amend act concerning correction of errors in chancery cases, (No. 109,)	132
Laid on table,	259	Read first time,	210
EMANCIPATED SLAVES.		To be engrossed,	228
Resolution to take from courts power to permit them to remain in county,	145	Passed,	258
Reported on,	146	Passed by senate,	296
EMANCIPATION.		ESTILL, (BENJAMIN,) Judge.	
Leave to bring in bill concerning emancipation of slaves,	274	Communication suggesting amendments to criminal and civil Codes,	47
Bill presented, (No. 377,)	276	Reported on,	69
Read first time,	426	Referred to committee on revision,	78
Referred to committee on revision,	463	EVENING SESSIONS.	
See <i>Freedom, (Suits for.)</i>		Resolution for daily recess,	437
EMERSON, (ARTHUR,) Captain.		Laid on table,	437
Resolution to vote him a sword,	410	Resolution taken up and house adjourned pending its consideration; vote recorded,	459
EMORY AND HENRY COLLEGE.		Motion to take recess 12th June agreed to; vote recorded,	528
Petition to release securities on bond to state,	51	Motion for a recess June 18; vote recorded,	537, 538
Acted on,	121		
Report of second auditor referred,	127		
Bill relative to interest on state loan, (No. 235,)	195		
Read first time,	351		
Amended and to be engrossed,	386		

EVIDENCE.

- How testimony of witnesses against members may be preserved, (rule 39,) 8
 Tampering with witnesses, how punished, (rule 41,) 8
 See *Witnesses*.

EXCHANGE BANK.

- Resolution to amend act for establishing branch bank at Abingdon, 66
 Laid on table, 367
 See *Norfolk City*.
 Leave to bring in bill to establish branch at Abingdon, 307, 308

EXCHANGE, (BILLS OF.)

- Bill prohibiting allowing grace on such bills, (No. 187,) 162
 Read first time, 295
 Laid on table, 312

EXCHANGES, (INTERNATIONAL.)

- Account of librarian of expenses therefor, 344
 See *Vattemare, (Alexandre.)*

EXECUTIONS.

- Resolution to empower courts of chancery to enjoin sales under execution, 97
 Amendment to Code relative to what constable may serve a warrant or execution, 580

EXECUTIVE.

- See *Governor*.
 Messages to claim precedence, (rule 13,) 5
 Seats to be set apart for, in hall, (rule 15,) 5
 See *Pardons*.

EXECUTIVE EXPENDITURES.

- Committee, how many, (rule 27,) 7
 Quorum of committee, (rule 29,) 7
 Committee appointed, 37
 Reported on, 301
 Acted on, 370 to 373

EXECUTORS AND ADMINISTRATORS.

- Resolution relative to cases in which no security required, 86
 Bill concerning those who qualify without security, (No. 207,) 185
 Read first time, 295
 To be engrossed, 356
 Passed, 386
 Passed by senate, 453
 To amend law authorizing continuance of suits after powers revoked, 162
 Resolution relative to payments by those in state to those out of state, 430
 Resolution to repeal act of 1848 concerning wills, &c., 310
 Acted on, 339

EXPENDITURES.

- Report of committee thereon, 59
 Printed. Doc. No. 27.

EXPORTING AND IMPORTING COMPANY.

- See *Norfolk Exporting and Importing Company*.

EXTRA SESSION.

- Report of committee on revision recommending it, 220, 221
 Questions on resolutions; votes recorded, 222
 See *Adjourned Session*.

F

FACTORS.

- Amendment to Code relative to factors or agents, 579

FAIRFAX, (BUCKNER.)

- Elected general, 71

FAIRFAX COUNTY.

- Petition for a separate election, 42, 51
 Bill to change separate election, (No. 7,) 53
 Read first time, 67
 To be engrossed, 78
 Passed, 82
 Passed by senate, 149
 Bill to change another separate election, (No. 21,) 73
 Read first time, 73
 To be engrossed, 83
 Passed, 88
 Passed by senate, 149
 Separate election established, (bill No. 239,) 417

FALLS MANUFACTURING COMPANY.

- Resolution to revive its charter, 115
 Bill therefor, (No. 151,) 150
 Read first time, 294
 To be engrossed, 306
 Passed, 310
 Amended and passed by senate; amendments agreed to by house, 334

FARLEY, (H. A. & M.)

- Petition for authority to sell lands, 42
 Reported on, 90
 Acted on, 97

FARMERS BANK.

- Resolution to add capital to branch at Wytheville, 285
 Bill therefor, (No. 416,) 301
 Read twice, to be engrossed, 465
 Passed; vote recorded, 481
 Passed by senate, 495
 Leave to bring in bill to establish branch at Abingdon, 307, 308

FARMERS, PLANTERS AND MECHANICS SAVINGS BANK.

- Bill to incorporate it, (No. 435,) 319
 Read twice, amended and to be engrossed, 464
 Passed, 485
 Amended and passed by senate, 496
 Amendments agreed to by house, 496

FARRAR, (RICHARD F.)

- Petition to be paid for teaching poor children, 235
 Bill for his relief, (No. 389,) 284
 Read first time, 426
 Laid on table, 463

FARR, (THOMAS.)		
Petition to be paid for work on Smith-field and Fishing creek road,	200	
FARR & EDDY.		
Bill for their relief, (No. 506,)	430	
Read twice, to be engrossed,	468	
Passed,	492	
Passed by senate,	505	
FASTING.		
Motion to adjourn to keep day set apart therefor; vote,	639	
<i>See Thanksgiving.</i>		
FAULKNER, (JAMES.)		
Resolution to vote him a sword,	410	
FAUNTLEROY, (THOMAS W.)		
Resolution relative to him,	144	
Reported on,	146	
Recommitted,	289	
<i>See Removal of Property.</i>		
FAUQUIER COUNTY.		
Petition for new county,	215, 230, 234, 258	
Reported on,	276	
Laid on table,	361	
Documents relating thereto presented,	230, 231	
Petition to change a separate election,	132	
Laid on table,	483	
Petition for a road from Orleans to the Salem and Paris road,	274	
Petition for a turnpike from Warrenton to Rappahannock river,	281	
<i>See Weaversville.</i>		
FAUQUIER AND ALEXANDRIA TURNPIKE.		
Bill for subscription to stock of company, (No. 457,)	332	
Read twice, amended and to be engrossed,	464	
Rejected; vote recorded,	487	
Motion to reconsider; vote thereon,	487, 488	
FAUQUIER WHITE SULPHUR SPRINGS.		
Voted for as place of meeting of legislature,	524	
Resolution to meet there,	525	
Motion to amend; vote thereon,	526	
Question on inserting Sweet springs; vote thereon,	526	
Motion rejecting Fauquier White Sulphur springs reconsidered,	526	
Motion to strike out and insert Staunton; negatived; vote recorded,	527	
Resolution adopted; vote thereon,	527	
Agreed to by senate,	527	
House meets according to adjournment,	528	
Leave to bring in bill to compensate proprietors for use of rooms and furniture,	677	
Bill brought in, (No. 534,)	677	
Read twice and laid on table,	677	
FAYETTE COUNTY.		
Petition for new county,	51, 54, 107	
Reported on,	111	
Laid on table,	112	
Acted on,	193	
Documents to sustain petition for new county,	59	
Resolution to amend act authorizing two separate elections,	75	
Bill therefor, (No. 74,)	111	
To be engrossed,	116	
Passed,	121	
Amended and passed by senate,	307	
Amendments adopted by house,	307	
Petition for a railroad from Covington to Kanawha river,	169	
FEDERAL COURT.		
<i>See Phalen, (James.)</i>		
FELLOWSVILLE.		
Petition of Preston county to incorporate town,	377	
Laid on table,	483	
FEMALE COLLEGIATE INSTITUTE OF BUCKINGHAM.		
Bill to incorporate it, (No. 280,)	220	
Read first time,	374	
To be engrossed,	431	
Passed,	442	
FEMALE ORPHAN ASYLUM OF ALEXANDRIA.		
Resolution relative to it,	45	
Committee discharged and resolution laid on table,	70	
FEMES COVERT.		
<i>See Married Women.</i>		
FERGUSON, (JOEL.)		
Petition for remission of a fine,	36	
Bill therefor, (No. 37,)	79	
To be engrossed,	89	
Passed,	96	
Passed by senate,	168	
FERGUSON, (JOHN M.)		
Petition to be paid for supporting a free negro in jail,	208	
Committee discharged and referred to claims,	215	
Bill concerning him as jailor, (No. 299,)	228	
Read first time,	381	
To be engrossed,	443	
Passed,	449	
Passed by senate,	481	
FERGUSON, (MILTON)		
Leave to withdraw petition to be paid for teaching,	94	
Again presented,	94	
Bill concerning him, (No. 105,)	131	
Read first time,	210	
To be engrossed,	228	
Rejected; vote recorded,	232	
FERRIES.		
Resolution relative to landing boats at ferries without permission, and relative to ferriage on wagons,	75	
Resolution to amend law allowing additional ferriage for wagons carrying three or four tons over Ohio and its tributaries,	420	
Resolution relative to establishing ferries within a quarter of a mile of other ferries,	113	

Laid on table,		461	FINCASTLE AND PRICE'S MOUNTAIN TURNPIKE.	
Bill to protect ferry rights in Wayne county, (No. 237,)		196	Petition from Botetourt for its construction,	34
Read first time,		351	Remonstrance against it,	51
Amended and to be engrossed,		414	Reported on,	74
Passed,		418	Acted on,	82
Passed by senate,		453		
Bill to authorize Charles B. Penn to establish ferry or bridge, (No. 350,)			FINES.	
Read first time,		266	See <i>Militia</i> .	
To be engrossed,		425	FINNEY, (E. C.)	
Passed,		458	Leave to bring in bill concerning her and her children,	277
Black's ferry across Sandy, (bill No. 434,)		475	Bill brought in, (No. 383,)	277
Read twice, amended and to be engrossed,		313	Read first time,	426
Passed,		464	To be engrossed,	463
Passed by senate,		485	Passed,	478
Resolution to amend act for establishing ferry between Norfolk and Portsmouth,		495	Amended and passed by senate,	490
Reported on,		297	Amendments agreed to by house,	490
Laid on table,		384	FIRE COMPANIES OF WHEELING.	
See <i>Wimbish, (John and Lewis)</i>		469	Petition to be exempt from jury duty,	81
			FIRE COMPANIES.	
FIDUCIARIES.			Bill concerning those of Wheeling, (No. 335,)	260
Amendments to Code relative to appointment of commissioners to settle accounts; vote,	578, 579		Read first time,	425
Relative to commissioners settling accounts of debts and demands against decedent,		582	To be engrossed,	452
Relative to statement of receipts and disbursements, to be laid before commissioner,		582	Passed,	473
Further amendments relative to fiduciaries generally,	582, 583, 585, 586		Passed by senate,	482
Votes thereon,	584, 585		Petition of N. C. King to exempt the firemen of Norfolk from serving on juries,	227
Amendment relative to order for applying decedents' assets to pay his debts,		586	Reported on,	250
			Laid on table,	359
FINANCES.			See <i>Huron Fire Company</i> .	
Governor states their condition,		10	FIRE INSURANCE COMPANY.	
Comparative view of auditor's revenue table for 1846, '7, and '8,		31	See <i>Lynchburg Hose and Fire Insurance Company</i> .	
Committee to be appointed, (rule 27,)		7	FISH.	
To elect and discharge clerk, (rule 28,)		7	Resolution to remove obstructions in Potomac and tributaries,	65
Quorum of committee, (rule 29,)		7	Reported on,	111
Their duty, (rule 35,)		8	Acted on,	112
Committee appointed,		32	See <i>Inspections</i> .	
Report of committee on debt, revenue and expenditures,		59	FISHING.	
Printed. Doc. No. 27.			Resolution to amend acts concerning hauling seines in Elizabeth City county,	34
4000 copies of report of committee to be printed,		75	Bill therefor, (No. 1,)	41
Supplemental report of committee, 473, 474			Read first time,	51
Printed. Doc. No. 83.			To be engrossed,	54
FINCASTLE FEMALE SEMINARY.			Passed,	58
Petition to incorporate it,		134	Passed by senate,	71
Document relative thereto,		143	Resolution relative to fishing in the Great and Little Kanawha rivers,	45
Bill to incorporate it, (No. 189,)		169	Bill relative thereto, (No. 136,)	147
Read first time,		295	Read first time,	293
To be engrossed,		311	To be engrossed,	330
Passed,		323	Passed,	353
Amended and passed by senate, and laid on table by house,		334	Passed by senate,	414
Amendment agreed to by house,		494	Resolution to prohibit citizens of Ohio from fishing in Big Sandy river in Virginia,	234
			Amendment to Code relative to fishing in Accomack,	553
			FISHING CREEK AND ICE'S FERRY ROAD.	
			Resolution for macadamizing it,	200
			Bill therefor, (No. 367,)	273
			Read first time,	426
			To be engrossed,	462

Rejected,	477	FORFEITED LANDS.	
Reconsidered and passed,	494, 495	Amendment to Code relative to grants from the commonwealth therefor,	560
FISHING CREEK AND MONONGAHELA RAILROAD.		Amendment to Code relative to forfeiture for failing to have western lands surveyed, &c.; vote thereon,	575, 576
Bill to incorporate company, (No. 349,)	266	Amendment relative to redemption and forfeiture of lands sold for taxes; vote thereon,	590, 591
Read first time,	425	Action of both houses on amendments relative to surveying western lands and their forfeiture for failing; vote thereon,	659
Laid on table,	458	FORMS.	
FITZSIMMONS, (THOMAS.)		Governor recommends purchase of book of forms,	20
Bill to permit his heirs to pay taxes, (No. 220,) (520,)	461	Referred,	45
Read twice, to be engrossed,	468	Resolution for annexing to Criminal Code set of forms,	98
Passed,	492	FOX, (GEORGE K.)	
FLORIDA.		Petition for compensation for listing dogs in Loudoun,	99
Resolutions relative to slavery controversy,	214	FWOLE, (WILLIAM,) and others.	
Printed. Doc. No. 55.		Petition concerning pilots,	208
FLOUR.		FRANCE.	
Resolution to amend laws relative to inspections,	281	Geological map presented to state,	429
Reported on,	377	FRANKLIN COUNTY.	
Laid on table,	468	Petition for separate election,	35
Amendments to Code relative to inspections; vote thereon,	543, 544	Bill to authorize separate election, (No. 24,)	74
Amendment to Code, to give appointment of inspectors to governor; vote,	637, 638, 640, 641, 648, 649	To be engrossed,	83
Amendment to reduce fees of inspectors; vote recorded,	638	Passed,	89
Further action of both houses on amendment relative to inspectors,	653, 654, 655, 656, 657	Passed by senate,	146
FLOURNOY & M'NUTT.		Petition for reward for scalps of wild cats,	207
Their petition,	268	FRANKLIN LIBRARY SOCIETY.	
Reported on,	276	Petition to extend their charter,	180
Laid on table,	368	Bill therefor, (No. 220,)	190
FLOURNOY, (RICHARD W.)		Read first time,	326
Petition to change Chesterfield circuit court,	385	To be engrossed,	386
FLOYD COUNTY.		Passed,	412
Leave to withdraw petition relative to loan to Emory and Henry college,	67	Passed by senate,	445
FLOYD, (JOHN B.)		FRANKLIN LODGE OF ODD FELLOWS.	
His resignation as member,	76	Their petition,	274
Voted for and elected governor,	60, 61, 62	Laid on table,	483
Resolution to announce to him his election as governor,	64	FRANKLIN SAVINGS BANK.	
Letter accepting office of governor,	106	Leave to bring in a bill to incorporate such bank in Norfolk,	334, 335
FLUVANNA GOLD MINE COMPANY.		Bill brought in, (No. 470,)	338
Resolution to incorporate it,	183	Read twice and to be engrossed,	466
Bill therefor, (No. 227,)	190	Passed,	486
Read first time,	326	Amended and passed by senate,	496
To be engrossed,	387	Amendments agreed to by house,	496
Passed,	413	FRASHER, (MARTIN.)	
Amended and passed by senate,	446	His petition for remission of a fine,	268
Amendments agreed to by house,	446	Laid on table,	454
FOGUS, (LANDON R.)		FRAUDS.	
Petition for compensation as a juror,	87	Bill to punish frauds on elective franchise, (No. 141,)	149
Reported on,	153	Read first time,	293
Acted on,	287	To be engrossed,	312
FOOTE, (WILLIAM H.)		Postponed indefinitely,	314
Petition for decree of a tract of land, Bill for relief of devisees and heirs, (No. 5,)	47	FREDERICK COUNTY.	
Read twice, to be engrossed,	56	Petition to permit Joseph Alexander to remain in state,	36
Passed,	58	Petition relative to Middleton school,	180
Passed by senate,	67	Petition to establish a separate election,	281
	71		

Separate election, (bill No. 432,) 313	Resolution relative to register of free negroes in Norfolk, 49
Read twice, to be engrossed, 465	Bill to prevent their removal to Norfolk, (No. 32,) 74
Passed by senate, 495	Read first time, 83
Bill concerning school quota, (No. 305,) 229	Committed with instructions, 99
Read first time, 423	Bill concerning them, (No. 208,) 185
To be engrossed, 443	Read first time, 295
Passed, 450	Laid on table, 311
Passed by senate, 460	Bill providing for their punishment, (No. 250,) 199
Petition to remove free negroes, 430	Read first time, 352
FREDERICKSBURG.	Rejected, 418, 419
Petition to extend corporate limits, 151	Bill relative to deportation of free negroes, (No. 251,) 199
Reported on, 354	Read first time, 352
Laid on table, 364	Motion to postpone, 419
Resolution to extend jurisdiction of hustings court, 177	Laid on table, 421
Bill therefor, (No. 203,) 182	See <i>Suits for Freedom.</i>
Read first time, 295	Amendment to Code relative to their removal into other counties and when deemed vagrants; vote thereon, 558
To be engrossed, 311	Amendment to Code relative to their removal; vote thereon, 558, 591
Passed, 323	FREE SCHOOLS.
Passed by senate, 414	Resolution to amend law concerning them in Norfolk, 178
Petition to amend charter of the Fredericksburg and Blue Ridge railroad, 35	Motion to bring in bill to amend act establishing them in Albemarle; laid on table, 648
Resolution therefor, 32	Bill amending free schools in Jefferson, (No. 278,) 219
Bill to authorize town to subscribe to Fredericksburg and Blue Ridge railroad, (No. 29,) 74	Read first time, 374
Read first time, 83	To be engrossed, 431
To be engrossed, 89	Passed, 442
Passed, 95	FRONT ROYAL.
Passed by senate, 155	Petition to amend act incorporating town, 129
FREDERICKSBURG AND BLUE RIDGE RAILROAD.	Reported on, 313
Bill to amend its charter, (No. 83,) 117	Laid on table, 362
To be engrossed, 130	FRONT ROYAL AND VALLEY TURNPIKE.
Ryder offered; bill passed; vote, 180	Resolution to construct road between those points, 298
Rejected by senate, 445	FRONT ROYAL TURNPIKE.
Bill to authorize town of Fredericksburg to subscribe to stock of road, (No. 29,) 74	Bill to amend its charter, (No. 413,) 301
Read first time, 83	Read twice; to be engrossed, 465
To be engrossed, 89	Passed, 478
Passed, 95	Passed by senate, 504
Passed by senate, 155	FURNITURE.
FREDERICKSBURG AND BLUE RIDGE STEAMBOAT COMPANY.	Motion to amend tax bill to tax furniture; votes thereon, 193, 194, 195
Resolution for incorporating it, 281	Further votes thereon, 197, 198
Bill therefor, (No. 399,) 285	See <i>Fauquier White Sulphur Springs.</i>
Read twice, to be engrossed, 464	FUGITIVES FROM JUSTICE.
Passed, 478	Communication from governor relative to refusal of governor of Ohio to deliver up a fugitive, 440
FREDERICKSBURG STEAMBOAT COMPANY.	Printed. Doc. No. 81.
Resolution to incorporate company, 76	FUGITIVE SLAVES.
Bill to incorporate it, (No. 52,) 92	Report of committee presented, 191
Read first time, 101	Printed. Doc. No. 50.
To be engrossed, 104	Report of Mr. Faulkner thereon, acted on, 238 to 257
Passed, 108	Resolutions attached to report adopted, 257
Passed by senate, 162	Made order of day, 296
FREEDOM, (SUITS FOR.)	Agreed to by senate, 271
Amendment to Code relative thereto; vote recorded, 556, 557	
Action of both houses on amendments to Code relative thereto; votes recorded, 657, 658	
FREE NEGROES.	
Recommendations of governor for their removal from state, 20, 21, 22, 23	
Referred, 40	
Committee thereon, 43	

G

GAGE, (ALMON.)
Prayer by him, 110, 128, 232, 237, 259,
265, 270, 271

GALE, (AUGUSTUS C.)
Petition relative to escheated land, 235

GAMING.
Amendment to Code making it peni-
tentiary offence to keep or exhibit
gaming tables; vote thereon, 644, 645
Amendment to punish betting; vote
thereon, 645

GANNOWAY, (S. C.)
Petition relative to Buckingham female
institute, 217

GARLICK'S WHARF.
Leave to bring in bill to authorize con-
struction of wharf in New Kent, 328
Bill brought in, (No. 454,) 330
Read twice, to be engrossed, 466
Passed, 485
Passed by senate, 496

GAS LIGHT COMPANY.
Bill to incorporate it, (No. 153,) 150
Read first time, 294
To be engrossed, 306
Passed, 310

GAYLE, (MARTHA W.)
Bill concerning her, (No. 371,) 276
Read first time, 426
To be engrossed, 462
Passed, 476

GENERAL ASSEMBLY.
Resolution to change time of meeting, 225
Reported on, 284
Recommitted, 320
Reported on again, 329
Laid on table, 363
Motion hereafter to hold sessions else-
where than Richmond, 539
Laid on table, 539
Resolution to adjourn from 15th March
to 28th May; motion to lay on table;
vote thereon, 410
Resolution adopted; vote thereon, 410, 411
Resolution to change time of meeting
to January, 664
Motion to amend, 664
To postpone indefinitely; vote there-
on, 664, 665

Question and vote on agreeing to reso-
lution, 665
Bill brought in, (No. 533,) 665
Read, and vote on engrossing it, 665
Passed, 665
See *Adjournment.*
See *Assembly, (General.)*

GENERAL COURT.
Resolution to repeal act concerning it, 49
Bill concerning jurisdiction, (No. 77,) 114
Laid on table, 124
Report of revisors recommending bill
to establish special courts and dimi-
nish judges in general court; to be
printed, 109
Printed. Doc. No. 36.

Leave to bring in bill to authorize
court to sit elsewhere than Rich-
mond, 539
Bill brought in, (No. 525,) 539
Read twice, to be engrossed, 539
Passed, 540
Passed by senate, 540

GENERALS.
Resolution to fix day for electing gene-
rals for first and tenth brigades, 44
Agreed to by senate, 54
For first brigade elected, 70
Motion to postpone it, 70
For tenth brigade elected, 71
Resolution fixing day for election of
general for eighth brigade, 66
Agreed to by senate, 73
Joint order for eighth brigade postpon-
ed, 153

Agreed to by senate, 154
Elected; vote recorded, 200, 201
Resignation of Gen. Brown, 158
Resignation of Gen. Crump, 63
Resolution to elect general for third
brigade, 163
Elected; votes recorded, 201, 202
Resolution to provide for their elec-
tion by officers in brigade, 74
Laid on table, 260

GEOLOGICAL MAP OF FRANCE.
Presented to state, 429

GEOLOGICAL SURVEY.
Resolution for publishing it, 53
Laid on table, 454

GERMAN HEBREW SOCIETY.
Bill to incorporate it, (No. 146,) 150
Read first time, 293
To be engrossed, 306
Indefinitely postponed, 308
GEYER, (CHARLES ANDREW.)
His letter; ordered to be printed, 187
Printed. Doc. No. 49.
Leave to withdraw it, 204

GHOLSON, (JAMES H.)
Death announced by governor, 18

GHOLSON, (THOMAS)
Voted for as judge, 60

GIFTS.
Amendment to Code relative to gifts
where possession remains with do-
nor, 563

GILES COUNTY.
Petition for new county, 50
Reported on, 215
Acted on, 356
Remonstrance against turnpike from
Fincastle to Middle mountain, 51

**GILES, FAYETTE AND KANAWHA
TURNPIKE.**

Resolution to increase state's subscrip-
tion, 103
Petition for a subscription by state to
stock of company, 330
To increase state's subscription, (bill
No. 368,) 273
Read first time, 426
To be engrossed, 462

Passed,	476	Read first time,	381
Passed by senate,	489	To be engrossed,	443
GILMER COUNTY.		Laid on table,	449
Petition for new county,	123	GORDON, (HENRY.)	
Reported on,	215	His petition,	268
Acted on,	356	Bill for his relief, (No. 475,)	354
Resolution to change election in Glen-		Read twice, to be engrossed,	467
ville,	141	Passed,	486
Bill to change separate election, (No.		GOVERNOR.	
266,)	215	Committee to announce organization of	
Read first time,	373	house,	9
To be engrossed,	423	His annual message,	9 to 30
Passed,	442	Message taken up and read,	33
Passed by senate,	454	Part of message relative to lunatic	
Petition for a road from Staunton and		asylums referred,	33
Parkersburg road to Charleston,	179	Part relating to usury referred,	33
GLENN, (BERNARD,) <i>Executor.</i>		Recommends change of time in term	
Petition for half pay,	197	of governor,	28
GLENN AND BROWNING, (Captains.)		Recommends increase of salary,	28, 29
Bill concerning them, (No. 406,)	297	Resolution to refer part of message	
Read twice, to be engrossed,	465	relative to salary of governor,	43
Passed,	478	Committee discharged from part of	
GLENVILLE AND CHARLESTON		message relating to his salary,	63
TURNPIKE.		Resolution to refer it to special com-	
Bill to incorporate it, (No. 393,)	285	mittee,	64
To be engrossed,	463	Agreed to by senate,	71
Passed,	478	Committee appointed,	71
Passed by senate,	489	Bill reported, (No. 20,)	72
GLENVILLE TURNPIKE.		Postponed indefinitely; vote recorded,	72
Bill to incorporate company, (No. 345,)	266	Resolution referring so much of mes-	
Read first time,	425	sage as relates to banks,	40
To be engrossed,	453	Resolution referring so much of mes-	
Rejected,	475	sage as relates to free negroes,	40
GLOUCESTER COUNTY.		Resolution to refer part of message	
Petition to amend laws relative to oys-		relating to Virginia Military In-	
ters,	51, 132	stitute,	44
Reported on,	233	Resolution to refer part of message re-	
Laid on table,	359, 360	lative to armory and conversion of	
GODFREY, (JOHN.)		guard into military school,	44
Petition that money illegally paid by		Resolution to refer part of message re-	
him may be refunded,	51	lative to a book of forms for justices,	45
Bill therefor, (No. 117,)	135	Resolution to refer part of message re-	
Read first time,	211	lative to county courts,	46
To be engrossed,	265	Resolution to refer part of message re-	
Passed,	269	lative to penitentiary,	47, 53
Passed by senate,	306	Resolution to refer part of message re-	
GOOCHLAND COUNTY.		lative to militia,	49
Petition for connecting James river and		Resolution to refer part of message re-	
Kanawha canal with tidewater,	151	lating to bail,	52
GOODE, (ALEXANDER,) and wife.		Resolution to refer part of message	
Petition to remove property out of		relating to uniform set of school	
state,	47	books for schools,	57
GODWIN, (LIEUT. THOMAS.)		Laid on table,	70
Resolution to vote him a sword,	410	Resolution to refer part of message for	
GOODWYN, (WILLIAM P.)		authorizing three justices to form a	
Voted for as general,	70	county court,	57, 66
GOOSE CREEK NAVIGATION		Resolution to refer part of message	
COMPANY.		relative to weights and measures,	57
Leave to bring in bill to amend its		Resolution to refer part of message	
charter,	302	relative to Wilmot proviso,	56
Bill brought in, (No. 427,)	307	Committee appointed,	58
Read twice, to be engrossed,	324	Resolution to refer part of message	
Passed,	333	relative to armory,	64
Passed by senate,	354	Part of message relating to Richmond	
GORDON, (ALEXANDER,) <i>heirs.</i>		and Danville railroad referred,	65
Petition to pay for revolutionary servi-		Committee appointed,	66
ces,	117	Their report presented,	233
Bill concerning them, (No. 298,)	228	Acted on,	260, 261

Part of message relative to sale of bank stock referred,	75	Printed. Doc. No. 81.	
Resolution to refer part of message relative to appointment of state engineer,	98	Transmits resolutions of state of Wisconsin relating to slavery and slave trade,	432, 433
Part of message relative to sale of certain state property referred,	107, 123	Laid on table,	434
Resolution to proceed to his election,	41	Presents sword to Col. Payne in presence of legislature,	329
Agreed to by senate with amendment,	54	GOVERNOR'S HOUSE.	
Amendment agreed to by house,	54	Resolution for repairs and to provide furniture,	115
Election made,	60	Committee appointed,	115
Joint votes,	60, 61, 62	Bill to provide for repairs and furniture, (No. 104,)	128
Resolution to announce to him his election,	64	Read twice and recommitted,	131
Correspondence between joint committee and him, accepting his office,	106	Reported with amendment,	147
Resolution for furnishing clerks of courts with messages,	50	Amendment acted on; to be engrossed; vote,	157
Resolution for arranging apartment in capitol for him,	66	Vote ordering bill to be engrossed; reconsidered and laid on table,	160
Resolution calling for papers, &c., inducing pardon of John J. Johnston,	98	Amendments; vote recorded,	164, 165
Transmits papers relative to pardon of John J. Johnston,	105	Passed by senate,	182
To be printed,	135	Mr. Rives excused from serving on committee,	132
Doc. No. 41.		Committee to estimate value of furniture,	132
See Pardons.		Committee announced,	132
Communication relative to pardons, Doc. No. 33.	102	Resolution for selling it,	160
Communicates contract for sale of part of public grounds,	102	Estimates of furniture and disbursements from 1843 to 1848 therefor,	163
Doc. No. 34.		Report of committee for disbursements for repairs and furniture, to be printed,	223
Resolution calling for proceedings of council relative to recommendations of justices by county court of Taylor,	145	Printed. Doc. No. 53.	
Returns advice of council on recommendations of justices,	153	GRACE.	
Communicates information relative to informal votes in presidential election,	214	Resolution to enquire what grace to be allowed by banks,	86
Committed,	223	Bill, (No. 187,)	162, 295, 312
Committee announced,	224	GRAIN.	
Message relative to citation of state before federal court at instance of James Phalen,	109	Resolution to regulate measuring grain and seeds,	281
Communicates resignation of Gen. Crump,	63	Bill regulating its weight, (No. 513,)	437
Encloses resignation of brigadier general Brown,	158	Read twice; to be engrossed,	468
Communicates proceedings of internal improvement meeting relative to Louisa railroad,	73	Laid on table,	494
Printed. Doc. No. 28.		GRAND JURORS.	
Encloses communication from A. Vattemare,	223	Resolution to allow them pay,	40
Printed. Doc. No. 56.		Reported on,	48, 79
Communication enclosing quarterly statements of banks,	232	Laid on table,	81
Printed. Doc. No. 59.		See Indictments.	
Communicates pamphlet relative to discoveries by the microscope,	250	GRANTS.	
Printed. Doc. No. 64.		Amendment to Code relative to grants for forfeited lands,	560
Transmits letter from secretary of state of South Carolina relative to Wilmot proviso,	276	GRANVILLE.	
To be printed. Doc. No. 67.		Petition to enlarge powers of trustees,	81
Communicates refusal by Ohio to deliver up fugitive from justice,	440	Bill to amend act establishing town, (No. 71,)	111
		To be engrossed,	116
		Passed,	121
		Passed by senate,	146
		GRAYSON COUNTY.	
		Petition relative to site for seat of justice,	99, 120
		Remonstrance against it,	231
		Bill to remove seat of justice, (No. 138,)	147
		Read first time,	293
		Amended and to be engrossed,	305
		Passed,	310

Amended and passed by senate, and amendments agreed to by house, GREENBRIER COUNTY.			
Petition to repeal law for arresting bodies of debtors,			
Petition to repeal laws for imprisonment for debt,			
Petition to modify free school law,			
Laid on table,			
Petition to permit Cyrus A. Larue to sell goods as a pedlar,			
Laid on table,			
Recommitted,			
Reported on,			
Laid on table,			
GREEN, (THOMAS.)			
Resolution to allow him commissions as agent of revolutionary claims,	186		
Bill concerning him, (No. 297,)	225		
Read first time,	320		
To be engrossed,	443		
Passed,	449		
Passed by senate,	472		
Resolution authorizing him to collect moneys due state from general government,	661		
See <i>Fauquier White Sulphur Springs.</i>			
GREGORY, (RICHARD.)			
Leave to withdraw petition to remain in state,	231		
Again presented,	231		
Bill for his relief, (No. 321,)	237		
Read first time,	424		
To be engrossed,	452		
Passed; vote recorded,	457		
Amended and passed by senate,	482		
Amendments agreed to by house,	482		
GRIFFIN, (WILLIAM P.)			
Document to support his pretensions to a sword,	163		
GRIFFITH, (FOREST.)			
Petition of citizens of Loudoun in his favour,	208		
Bill for his relief, (No. 277,)	219		
Read first time,	374		
To be engrossed,	431		
Amended and passed; vote recorded,	441		
Passed by senate,	460		
GRIFFITH, (JOHN H.)			
His petition relative to his mill dam,	41		
GRIFFITH'S DAM.			
Bill to legalize his mill and dam, (No. 197,)	177		
Read first time,	295		
To be engrossed,	311		
Passed,	323		
Passed by senate,	453		
GRINDSTONE HILL MINING AND MANUFACTURING COMPANY.			
Resolution to report bill incorporating it,	298		
Bill brought in, (No. 415,)	301		
Read twice; to be engrossed,	465		
Passed,	478		
Amended and passed by senate,	496		
Amendments agreed to by house,	496		
GUARANTEED BONDS.			
See <i>James River and Kanawha Company.</i>			
		GUARDIANS.	
	334	Resolution relative to cases in which no security required,	86
		See <i>Fiduciaries.</i>	
	113	GUARD, (PUBLIC.)	
		Comments of governor,	27
	113	GUYANDOTTE.	
	274	Leave to withdraw petition incorporating trustees; again presented,	88
	454	Petition for an act of incorporation,	93
	103	Bill to incorporate it, (No. 137,)	147
	126	To be engrossed,	161
	145	Passed,	165
	225	Passed by senate,	176
	364	Petition to remove seat of justice of Cabell county,	550
		Remonstrance against it,	550
		GUYANDOTTE RIVER.	
		Resolution to improve navigation,	45
		GUYANDOTTE NAVIGATION COMPANY.	
		Bill incorporating it, (No. 348,)	266
		Read first time,	425
		Amended and to be engrossed,	451
		Passed,	473
		Amended and passed by senate,	490
		Amendments agreed to by house,	490
		H	
		HACKETT & BURRUSS.	
		Petition for remission of fine,	77
		HALE, (CHARLES.)	
		Petition to be paid for work on the Price's turnpike and Cumberland Gap road,	133
		HALE, (ARCHER D.)	
		Resolution to allow his claims as a fifer,	53
		Reported on,	90
		Acted on,	96
		HALIFAX COUNTY.	
		Petition of A. L. Peters and others for removing separate election,	35
		Reported on,	205
		Acted on,	350
		Petition to exempt a volunteer artillery company from militia duty,	143
		Reported on,	280
		Acted on,	368
		Petition to change circuit court day,	304
		Bill therefor, (No. 431,)	313
		Read twice and to be engrossed,	416
		Laid on table,	420
		Rejected,	430
		HALL OF HOUSE.	
		Use of hall granted A. M. Whitney for address on railroads,	207
		Granted to American tract society,	230
		Granted to Virginia colonization society,	227, 281
		HAMPDEN SIDNEY COLLEGE.	
		Petition to remit interest upon loan to Literary fund,	110
		Printed. Doc. No. 37.	
		HAMPSHIRE COUNTY.	
		Petition to permit Joseph Alexander to remain in state,	36

Petitions for a road from Baltimore and Ohio railroad to Northwestern turnpike, 130, 145, 217		Bill therefor, (No. 366,)	273
HAMPSHIRE AND MORGAN TURNPIKE.		Read first time,	426
Bill to incorporate company, (No. 351,)	266	Amended and to be engrossed,	462
Read first time,	425	Passed,	476
To be engrossed,	458	Passed by senate,	489
Passed,	475	HARPER, (JOHN.)	
Passed by senate,	490	His petition,	298
HAMPTON.		Laid on table,	461
Petition to incorporate town,	129	HARPER'S FERRY.	
Leave to bring in a bill concerning trustees,	517	Petition for a lottery for Female institute,	192
Bill brought in, (No 523,)	517	Reported on,	219
Read twice and to be engrossed,	517	Laid on table,	369
Passed,	518	HARPER'S FERRY FEMALE INSTITUTE.	
Passed by senate with amendments,	518	Petition of town for a lottery,	192
Amendments agreed to by house,	518	Reported on,	219
Bill for electing trustees, (No. 390,)	284	Laid on table,	369
Different readings,	426, 462	HARPER'S FERRY AND SHENANDOAH MANUFACTURING COMPANY.	
Passed,	478	Leave to bring in bill to amend its charter,	335
Passed by senate,	490	Bill brought in, (No. 480,)	376
HANCOCK COUNTY.		Laid on table,	463
Petition relative to location of seat of justice,	35, 107, 140	Passed,	491
Remonstrance against it,	104	HARRISONBURG.	
Reported on,	125, 205	Petition to incorporate town,	447
Acted on,	179, 225	Remonstrance against changing charter of town,	438
Leave to withdraw petition and remonstrance relative to removal of seat of justice,	497	Leave to bring in bill to amend charter of town,	378
Petition for a railroad from Pennsylvania line to Ohio river,	145, 155	Bill brought in, (No. 488,)	384
Petition relative to a separate election; acted on,	178	Read twice, to be engrossed,	467
Motion to commit with instructions,	179	Passed,	491
HANCOCK, (W. W.)		Passed by senate,	496
See <i>Snellings, (George W.)</i>		HARRISONBURG AND PENDLETON ROAD.	
HANNAH, (J.) Jr.		See <i>Pendleton Mountain Road.</i>	
Petition to change name of E. M. Sullivan,	438	HARRISON COUNTY.	
Reported on,	461	Remonstrance against John H. Griffith's petition,	41
Laid on table,	470	Petition to construct road from Clarksburg to Philippi,	120, 179
HARDY COUNTY.		Petition to incorporate Weston and Fairmont turnpike,	151
Petition to permit Joseph Alexander to remain in state,	36	Laid on table,	461
Petition to establish a savings bank at Moorfield,	130	Petition for new county,	110
See <i>Hardy County Savings Bank.</i>		Reported on,	215
Petition for a turnpike from Moorfield to Northwestern turnpike,	179	Acted on,	356
Laid on table,	461	Petition for separate election at Jesse Hall's,	220
See <i>Wolzes.</i>		Bill therefor, (No. 381,)	276
HARDY COUNTY SAVINGS BANK.		Read first time,	426
Bill to incorporate it, (No. 186,)	162	To be engrossed,	463
Amended and to be engrossed,	286	Passed,	478
Passed; title amended,	304	Passed by senate,	489
Passed by senate,	328	Resolution to change time of county court,	109
HARDY AND PENDLETON ROAD.		Bill to change county court, (No. 121,)	140
See <i>Pendleton Mountain Road.</i>		Read first time,	211
HARDY AND WINCHESTER TURNPIKE.		To be engrossed,	280
Resolution to increase its capital and for its extension,	38	Passed,	285
Resolution to increase state's subscription,	196, 197	Passed by senate,	306
		Resolution to confirm acts of county court in February,	522
		Agreed to by senate,	525

- HARRISON, (JAMES B.)**
 Petition to be divorced, 129
 Document to sustain petition, 328, 377
 Bill divorcing him, (No. 155,) 153
 Read first time, 294
 Committed, 305
 Reported without amendment, 384
 To be engrossed, 413
 Passed, 418
- HARRISVILLE TURNPIKE.**
 Resolution to amend its charter, 177
 Bill to incorporate company, (No. 484,) 384
 Read twice and to be engrossed, 467
 Passed, 491
 Passed by senate, 504
 Resolution to repeal act authorizing court of Ritchie county to assess taxes to finish turnpike, 65
- HEALTH.**
 Resolution to enquire into health of Richmond; committee appointed, 515
 Their report presented and laid on table, 515, 516
 Second report presented and laid on table, 520
- HEATH, (JAMES E.)**
 Elected auditor, 203
 See *Auditor of Public Accounts.*
- HEBREWS.**
 See *German Hebrew Society.*
- HEISKELL, (FERDINAND S.)**
 Petition for a divorce, 160
 Documents to sustain his petition, 268, 338
 Reported on, 276
 Recommitted, 338
- HEMP.**
 See *Inspections.*
- HENRICO COUNTY.**
 Petition to declare part of Chickahominy river lawful fence, 308
- HENRY AND EMORY COLLEGE.**
 Suggestions of governor relative to debt, 26
 Second auditor's report relative to it; referred, 107
 Reported on, 117
- HENRY COUNTY.**
 Bill concerning free school system, (No. 68,) 103
 To be engrossed, 105
 Passed, 108
 Passed by senate, 153
- HIGHLAND COUNTY.**
 Petition to establish a separate election, 132, 135, 169
 Bill authorizing separate election, (No. 308,) 233
 Read first time, 423
 Laid on table, 443
 Bill to authorize a separate election at Crab Bottom, (No. 148,) 150
 Read first time, 293
 To be engrossed, 306
 Amended and passed, 308, 309
 Title amended, 309
 Passed by senate, 328
 Petition to change separate election, 88
 Bill to change a separate election, (No. 95,) 125
- To be engrossed, 130
 Passed, 181
 Passed by senate, 205
 Bill to authorize a separate election at M'Clung's mill, (No. 147,) 150
 Read first time, 293
 Amended and to be engrossed, 305
 Passed; title amended, embracing Albemarle and Putnam, 309
 Passed by senate, 328
 Separate election; see *Matthews County,* 450
 See *Writs of Election.*
- HIGHWAYS.**
 Bill declaring Point Pleasant creek and Elk fork, highways, (No. 82,) 117
 Laid on table, 124
 Passed, 127
 See *Mud River.*
 See *Twelve Pole River.*
 See *Sancho Creek.*
- HILLSBOROUGH AND HARPER'S FERRY TURNPIKE.**
 Bill to incorporate it, (No. 243,) 196
 Read first time, 352
 Laid on table, 414
 To be engrossed, 416
 Passed, 420
 Passed by senate, 453
- HILL, (WILLIAM N. F.)**
 Petition for a divorce, 87
 Reported on, 162
 Acted on, 268
- HINCHMAN, (ULYSSES)**
 Petition to legalize his appointment to solemnize marriages, 36
 Bill concerning him, (No. 2,) 48
 Read first time, 51
 Committed, 54
 Reported with substitute; agreed to and bill to be engrossed, 67
 Passed, 77
 Passed by senate, 175
- HISTORICAL SOCIETY.**
 Petition for a monument to Washington, 235
 Committee appointed, 235
 Printed. Doc. No. 63.
 See *Virginia Historical and Philosophical Society.*
- HITE, (J. B. & W.)**
 Resolution to refund money to them, 113
 Bill to pay them money, (No. 87,) 122
 To be engrossed, 127
 Passed, 130
 Rejected by senate, 176
- HOBBIE, (S. R.)**
 His letter relative to mails from Warrenton to Alexandria, 537
- HOCKER, (GEORGE,) and others.**
 Petition to repeal laws for inspecting flour, 335
- HOGE, (MOSES D.)**
 Prayer by him, 102, 152, 158, 165, 514, 515, 590
- HOLIDAY'S COVE RAILROAD.**
 Bill to incorporate it, (No. 272,) 216
 Read first time, 374

Laid on table,	421	Reported on,	276
To be engrossed,	429	Laid on table,	368
Laid on table,	440	HURON FIRE COMPANY.	
HOLSTON RIVER.		Petition for exemption from duties of	
Resolution for surveys of North and		jurors,	47
South forks,	44	Reported on,	69
Bill therefor, (No. 41,)	84	Acted on,	77, 78
To be engrossed,	96	HUSBANDS.	
Laid on table,	99	See <i>Married Women.</i>	
Passed,	100		
HOPKINS, (HENRY L.)		I	
Appointed speaker; vote recorded,	3	IMBODEN, (JOHN D.)	
See <i>Speaker.</i>		Petition to legalize the payment by	
HOPKINS, (JOHN,) heirs.		him of money to Staunton academy,	145
Resolution for extending time for		Bill for his relief, (No. 234,)	195
paying taxes,	199	Read first time,	351
HOPKINS, (ABBY B.)		To be engrossed,	387
Bill concerning her, (No. 296,)	225	Laid on table,	413
Read first time,	381	Passed,	416
To be engrossed,	443	Passed by senate,	453
Passed,	449	IMPRISONMENT FOR DEBT.	
Passed by senate,	481	Bill to abolish it, (No. 274,)	219
HORWELL, (SUSAN.)		Read first time,	302, 374
Petition for a divorce; laid on table,	558	Order of day,	422
HOSE COMPANIES.		Referred to committee on revision,	440
See <i>Lynchburg Hose and Fire Insurance Company.</i>		INDEMNIFYING BONDS.	
HOULT, (MARMADUKE.)		Resolution to amend act authorizing	
Petition for a bridge,	188	constables to require such bonds,	234
HOUSEKEEPERS.		Reported on,	266
Committee discharged,	327	Laid on table,	358
See <i>Suffrage, (Right of.)</i>		INDEXES.	
HOUSE OF CORRECTION.		To be prepared by clerk, (rule 19,)	5
Report of committee relative thereto,		INDIANS.	
presented,	216	See <i>Copway, (G.)</i>	
Acted on,	357	INDICTMENTS.	
HOUSE OF DELEGATES.		Resolution to require a concurrence of	
See <i>Certificates of Elections.</i>		16 grand jurors to find indictment,	46
See <i>Assembly, (General.)</i>		Resolution to repeal act allowing in-	
See <i>Members.</i>		dictment for misdemeanors after	
See <i>Qualifications.</i>		trial and acquittal,	40
See <i>Adjournment.</i>		Acted on,	68
See <i>Recesses.</i>		INJUNCTIONS.	
List of members,	679, 680	Resolution to empower courts of chan-	
HOUSES.		cery to enjoin sales under execution,	97
Resolution to amend act concerning		INJURIES.	
burning houses,	187	Amendment to Code relative to actions	
HOUSES OF PRIVATE ENTER-		by families for injuries to one of	
TAINMENT.		family,	592
Amendment to Code relative thereto,	550	INSANE.	
HOVEY, (J. PARSONS.)		Resolution to amend Criminal Code	
Prayer by him,	313, 329	relative to proof of insanity,	80
HOWARDSVILLE AND ROCKFISH		See <i>Lunatic Asylums.</i>	
TURNPIKE.		INSPECTIONS.	
Resolution to subscribe for stock,	131	Resolution to amend laws relative to	
Bill to increase state's subscription,		inspection of flour,	281
(No. 518,)	455	Reported on,	377
Read twice and to be engrossed,	468	Laid on table,	468
Passed,	492	Amendment to Code relative to inspec-	
Passed by senate,	504	tions; vote thereon,	543, 544
HOWLE, (PARKE G.)		Amendment relative to sale of articles	
Resolution to vote him a sword,	410	inspected in small towns,	551
Bill voting sword to him passed, (No. 98,)	181	INSPECTORS.	
HUDSON, (ROBERT M.)		Amendment to Code to give the ap-	
Qualified and took his seat,	331	pointment of inspectors to governor	
HUNT & LANGHORNE.		instead of courts; vote thereon,	
Petition for exportation of flour with-		637, 638, 640, 641, 642,	
out inspection,	235	648, 649	

Amendment to reduce fees of inspectors; vote recorded, 638	IVY, (WILLIAM,) and others.
Further action of both houses on amendment relative to appointment of inspectors, 653, 654, 655, 656, 657	Petition to be allowed pay for revolutionary services, 57
	Reported on, 162
	Acted on, 290
	J
INSULTS.	JACKSON COUNTY.
Amendment to Code relative to actions for insulting words, 579	Petition for new county, 123
INSURANCE COMPANY OF RICHMOND	Reported on, 215
Petition concerning pay of wreckers, 227	Acted on, 356
INSURANCE COMPANIES.	Bill to change day for county court, (No. 201,) 182
See <i>American Insurance Company.</i>	Read first time, 295
See <i>Mutual Fire Insurance Company.</i>	To be engrossed, 311
See <i>Lynchburg Hose and Fire Insurance Company.</i>	Passed, 323
INTEREST.	Amended and passed by senate, and amendment agreed to by house, 331
Amendment to Code relative to rate of interest; vote thereon, 581, 582	Petition for a branch bank, 167
Further amendments; vote recorded, 592, 593, 594	JACKSONVILLE ACADEMY.
Motion to allow Mr. Thomson of Jefferson further time to discuss amendment; vote recorded, 594	Petition to change name of institution, 231
Vote reconsidered and recorded, 594, 595	Bill incorporating it, (No. 365,) 273
Amendment making debtor witness to prove usury; votes, 595, 596	Read first time, 426
Amendment to Code to make the taking of illegal interest an indictable offence; vote thereon, 646, 647	To be engrossed, 462
INTERNAL IMPROVEMENT CONVENTION.	Passed, 476
Governor communicates their proceedings relative to extension of Louisa railroad, 73	Passed by senate, 429
Printed. Doc. No. 28.	JAMES RIVER AND KANAWHA COMPANY.
INTERNAL IMPROVEMENTS.	Commented on by governor, 11, 12, 16
Commented on by governor, 11 to 16	Resolution to amend act for providing connections for the south side, 84
Resolution to create new bureau out of second auditor's office and to create superintendent of Literary fund, 178	Petition for state to guarantee their bonds to make their improvements, 77
Laid on table, 437, 454	Printed. Doc. No. 29.
Amendment to Code relative to number of state directors in companies; vote recorded, 555	Resolutions for repealing act to increase their tolls, 147
Amendment to Code relative to appointment of state directors therefor; votes thereon, 634, 635, 636	Resolution for survey of connection from James river canal to tide water, 147
Motion to reconsider vote, 636	1500 copies of petition for connection to be printed, 148
INTERNATIONAL EXCHANGES.	Printed. Doc. No. 29.
Report of A. Vattermare communicated by governor, 26, 27	Resolution relative to report of engineer on eligible route, to be printed, 144
Communication from A. Vattermare, 223	Printed. Doc. No. 45.
Printed. Doc. No. 56.	Part of fourth annual report to be printed, 234
Account of librarian of expenses therefor, 344	Printed. Doc. No. 62.
Subject referred to library committee, 378	Petition to protect property from depredation of boatmen, 103
Letter of A. Vattermare giving account of his agency, 470, 472	Resolution to relieve officers &c. from taxation under road laws of Rock-bridge, 122
IRON WORKERS.	Bill to enable company to improve Great Kanawha river, (No. 159,) 153
Resolution to give them lien on their work, 162	Read twice and committed, 164
See <i>Liens.</i>	Reported without amendment, 177
IRRIGATION.	Laid on table and printed, 210
Resolution relative to irrigating lands, 87	To be engrossed, 322
Reported on, 153	Laid on table, 376
Acted on, 288	Bill to provide for Southside and Rivanna connections, (No. 160,) 153
	Read twice and committed, 164
	Reported without amendment, 177
	Laid on table and printed, 210
	To be engrossed, 427

Passed, vote recorded,	441	JOHNS, (JOHN.)	
Passed by senate,	459	Prayer by him,	97, 122, 140, 149, 280, 306, 453, 486
Bill exempting their officers, contractors and labourers from road duty in Rockbridge, (No. 172,)	159	JOHNSON, (EPPES.)	
Read first time,	294	Leave to withdraw petition to be released from a fine; again presented,	192
To be engrossed,	309	Laid on table,	454
Passed,	321	JOHNSTON, (JOHN J.)	
Passed by senate,	333	Resolution calling on governor for papers &c. inducing pardon,	98
Bill to prevent depredation by boatmen on improvements, (No. 174,)	159	Papers furnished,	105
Read first time,	294	To be printed. Doc. No. 41.	
To be engrossed,	312	Report on his pardon,	273
Laid on table,	322	To be printed. Doc. No. 66.	
Bill concerning proxies in company, (No. 175,)	159	Report of committee recommitted,	483
Read first time,	294	JOHNSTON, (CHARLES A.)	
To be engrossed,	312	Petition relative to notes of certain banks,	123
Laid on table,	322	Reported on,	225
Bill authorizing certain bonds to be guaranteed by state, (No. 176,)	159	Laid on table,	364
Read twice and committed,	164	JOINT DEFENDANTS.	
Reported with amendment,	302	Resolution to make those jointly indicted, witnesses for and against each other,	113
Order of day,	309, 310	Bill therefor, (No. 167,)	158
Laid on table and to be printed,	381	Read first time,	294
Passed; vote recorded,	395	To be engrossed,	312
Passed by senate,	453	Laid on table,	320
Instructions to proxy to vote for Joseph C. Cabell as president,	484	JOINT STOCK COMPANIES.	
Laid on table,	484	Resolution to amend act prescribing general conditions for subscriptions to companies,	57
JAMES RIVER AND ROANOKE RAILROAD.		Laid on table,	461
Leave to bring in bill to incorporate company,	395	Leave to bring in bill concerning state directors,	385
JANNEY, (JOHN)	60	Committee enlarged,	422
Voted for as governor,		Bill brought in, (No. 507,)	430
JEFFERSON COUNTY.		Passed,	442
Petition for a state's subscription to build bridge over Potomac river at Shepherdstown,	333	Rejected by senate,	460
Petition for bridge at Shepherdstown,	377	Resolution relative to the preparation and distribution of their reports,	378
Separate election authorized, (bill No. 108,)	258	Amended and agreed to,	379
JEFFERSON SCHOOL COMMISSIONERS.		Resolution to forfeit state's subscriptions when not represented in board of directors; laid on table,	483
Petition to amend act incorporating board,	36	Amendment to Code relative to directors on part of state therein; vote recorded,	555
JEFFERSON FREE SCHOOLS.		Amendment to Code relative to appointment of state directors therefor; votes thereon,	634, 635, 636
Bill amending system, (No. 278,)	219	Motion to reconsider vote,	636
Read first time,	374	JOINT TENANTS.	
To be engrossed,	431	See Partitions.	
Passed,	442	JOINT VOTES.	
Passed by senate,	460	Elections, how to be made, (rule 44,)	9
JEFFERSON STEEL AND FILE MANUFACTORY.		On election of judge of 18th circuit,	55
Bill to incorporate company, (No. 358,)	267	On election of judge of 2nd circuit,	59
Read first time,	425	On election of governor,	62
To be engrossed,	458	On election of printer,	62
Passed,	476	On election of general for 1st brigade,	70
JEFFERSONVILLE.		On election of general for tenth brigade,	71
Resolution for repealing its charter,	310	On election of brigadier general for eighth brigade,	200, 201
Petition therefor,	328	On election of brigadier for third brigade,	201, 202
Reported on,	354		
Laid on table,	364		
JETER, (JEREMIAH B.)			
Prayer by him,	337, 384, 504		
JEWES.			
See German Hebrew Society.			

On election of auditor, second auditor, treasurer, register, secretary of commonwealth and librarian, superintendent and store-keeper of penitentiary,	202, 203, 204	Read first time,	67
On election of councillor,	265, 266	Laid on table,	77
On election of public printer,	283, 284	Amended and made order of day,	226, 285
JONES, (SCERVANT.)		Amendment to compensate jurors ; votes recorded,	299, 300
Leave to withdraw his petition,	73	To be engrossed ; vote thereon,	300
JONES, (W. W.)		Passed ; vote recorded,	304
Petition to be paid for a slave killed by a penitentiary convict,	145	Title amended,	305
Bill for his relief, (No. 447,)	329	Resolution to exempt from jury duty the members of the councils of Norfolk,	159
Read twice, to be engrossed,	466	Amendments to Code as to age of jurors ; votes thereon,	604, 605
Laid on table,	485	As to property qualification ; vote thereon,	605, 606
JOURNALS.		As to number of jury ; vote recorded,	606
Ayes and noes to be recorded in, (rule 12,)	5	As to their compensation,	609, 610, 611, 612
How prepared, examined and printed, (rule 13,)	5	Amendment prohibiting court from levying on titheables to pay them,	613
Documents to be bound with, (rule 38,)	8	Mr. Scott's substitute for chapter on juries withdrawn,	613
JOYNES, (WILLIAM T.)		Substitute again presented and spread on journal,	618, 619, 620, 621, 622
Voted for as judge,	60	Motion by Mr. Perrow to amend it,	622, 623
JUDGES.		Substitute amended by Mr. Tomlin,	623
Suggestions of governor concerning them,	16, 17, 19	Motion further to amend by changing mode of paying juries from treasury to county levy ; vote thereon,	623
Resolution to elect judge for 18th circuit,	39	Question on Mr. Perrow's amendment ; vote thereon,	624
Agreed to by senate,	54	Question on Mr. Scott's substitute ; vote recorded,	624, 625
Judge elected,	55	Vote reconsidered ; vote thereon,	624, 625
Resolution to fix day for election of judge for 2d circuit,	49	Mr. Pitts's substitute,	625 to 628
Agreed to by senate,	55	Adopted ; vote recorded,	629
Election made,	59	Last vote reconsidered ; recorded,	629
Communication from Richard H. Baker,	195	Mr. Mayo's amendment ; vote,	630
Printed. Doc. No. 52.		Mr. Watson's amendment,	630 to 632
Resolution to re-arrange circuits,	394	Vote thereon,	632, 633
Amendment to Code relative to reduction of number of circuit judges ; vote thereon,	599		
JUDGMENTS.		JURORS.	
See <i>Accounts</i> .		See <i>Indictments</i> .	
Amendment to Code relative to damages recoverable on judgments on motions against officers,	542	JUSTICES OF PEACE.	
JUDICIAL CIRCUITS.		Recommendations of governor,	18, 19
See <i>Circuit Superior Courts</i> .		Resolution to extend jurisdiction in cases of assault and battery,	39
Bill to create new one, (No. 36,)	79	Reported on,	48, 79
To be engrossed,	101	Laid on table,	81
Laid on table,	104	Resolution to extend jurisdiction in City of Richmond,	34
Passed,	214	Reported on,	48
Amended and passed by senate,	393	Resolution for extending jurisdiction of justices,	50
Amendments agreed to by house,	393	Committee therefor appointed,	52
JUNCTION VALLEY TURNPIKE.		Committee on jurisdiction increased,	167
Bill to incorporate company, (No. 463,)	334	Bill to extend their jurisdiction, (No. 206,)	122
Read twice ; to be engrossed,	466	Read first time,	296
Passed ; vote recorded,	488	Amendment submitted and ordered to be printed,	296, 354
Amended and passed by senate,	496	Laid on table,	311
Amendments agreed to by house,	497	Resolution to require them to perform court duties in rotation,	56
JURIES.		Reported on,	185
Resolution to allow pay to grand jurors,	40	Acted on,	239
Reported on,	48, 79		
Laid on table,	81		
Resolution to report bill concerning juries in civil cases,	56		
Bill concerning juries in civil cases, (No. 11,)	59		

Resolution to define manner of giving notice to try rights of property before justices,	129
Reported on,	146, 147
Laid on table,	289
Resolution relating to new trials before justices,	129
Resolution calling on governor for proceedings of council on recommendations of justices by Taylor county,	145
Information furnished,	153
Resolution to make them eligible to office of commissioner of revenue, and to authorize them to celebrate rites of matrimony,	217
Reported on,	219
Acted on,	357
Amendment to Code to increase jurisdiction on warrants for small claims; vote recorded,	580
Amendment to Code to give them concurrent jurisdiction with courts in cases not exceeding fifty dollars; vote recorded,	589, 590

K

KANAWHA COUNTY.

Petition for new county,	123
Reported on,	215
Acted on,	356
Resolution to change time of holding county court,	128
Bill therefor, (No. 112,)	135
To be engrossed,	210
Passed,	214
Passed by senate,	296
Petition for a road from Staunton and Parkersburg road to Charleston,	179
Petition for a railroad from Covington to Kanawha river,	103
Petition to appropriate money for a railroad from steamboat navigation to Covington,	130
Petition to improve navigation of Kanawha river,	148
To be printed. Doc. No. 46.	
Petition against locking and damming Kanawha river,	332, 333
Petition for improving navigation of Coal river,	395
Petition for repeal of district school system,	200, 274
Remonstrance against it,	308
Petition withdrawn,	330
Reported on,	297
Laid on table,	369
Petition for change in county line; reported on,	224
Laid on table,	359
KANAWHA TELEGRAPH COMPANY.	
Resolution to incorporate it,	131
Bill therefor, (No. 385,)	280
Read first time,	426
To be engrossed,	463
Passed,	478
Passed by senate,	489

KANAWHA RIVER.

See *James River and Kanawha Company*.
See *Fish*.

KAUFMAN'S MACKELDY.

Presented to public library,	41
KENT, (STEPHEN.)	
Leave to withdraw his petition,	51
Petition to be refunded interest on a debt due Cole's estate,	88
Documents to sustain it,	88
Bill concerning him as administrator of Nicholas Cole, (No. 80,)	114
To be engrossed,	121
Passed,	124
Passed by senate,	195

KENTUCKY.

Petition from Pike county,	216
Resolution to annex Pike county to Virginia,	216
Reported and acted on,	225, 226

KHAISI CALVES.

Resolution disposing of them,	207
Agreed to by senate,	228

KIDWELL, (ZEDEKIAH.)

Petition for conveyance of land,	81
----------------------------------	----

KING GEORGE COUNTY.

Bill to establish district free schools to be brought in,	313
Bill brought in and twice read; to be engrossed,	320
Passed,	386
Passed by senate,	445

KING, (JOSHUA.)

Petition relative to tuition of poor children; reported on,	143
Acted on,	290
See <i>Kring, (Joshua.)</i>	

KING, (N. C.)

Petition to exempt Norfolk firemen from jury duty,	227
Reported on,	230
Laid on table,	359

KINGSFORD, (EDWARD.)

Prayer by him,	104, 185, 195, 377
KING, (W. W.) and others.	
Petition to incorporate Waynesborough savings institution,	303

KINGWOOD AND WEST UNION TURNPIKE.

Resolution relative to subscription by Board of public works to its stock,	154
Bill incorporating company, (No. 216,)	186
Read first time,	326
Amended and to be engrossed,	386
Passed,	412
Passed by senate,	445

KINNAIRD, (JOHN A.)

Petition of H. H. Dels to release him from a judgment,	36
Bill releasing amount of judgment, (No. 19,)	70
Read first time,	78
To be engrossed,	83
Passed,	88
Passed by senate,	190

KNOBLY VALLEY TURNPIKE.

Bill to incorporate company, (No. 455,)	384
Read twice, to be engrossed,	467

Passed,	491	LAW PROCESS.	
Passed by senate,	505	Resolution to graduate or abolish tax on law process,	52
KRING, (JOSHUA.)		Reported on,	63, 92
Resolution to pay him for teaching poor children,	139	Acted on,	62, 102
Document to support it,	139	LAWS.	
Reported on,	143	To be published by clerk with notes and indexes, (rule 19,)	5
Acted on,	290	Resolutions to be included, (rule 19,)	5
KYLE, (GEORGE W.)		LAWSON, (FABIUS M.)	
Report on contested election presented and acted on,	272	Elected treasurer,	203
Resigns his seat as member,	521	See <i>Treasurer.</i>	
L		LEADING CREEK AND GERMAN SETTLEMENT ROAD.	
LADIES.		Bill directing Board of public works to construct it, (No. 342,)	266
Resolution allowing them seats in hall,	40	Read first time,	425
LANCASTER ARTILLERY.		To be engrossed,	452
Petition for arms,	197	Rejected; vote recorded,	474, 475
Reported on,	280	LEE, (GEORGE H.)	
Laid on table,	368	Appointed judge by governor,	18
LANCASTERIAN SCHOOL OF ALEXANDRIA.		Elected judge,	55
See <i>School Quotas.</i>		LEE, (LEROY M.)	
LANDINGS.		Prayer by him,	97, 124, 224, 427
Resolution to report bill No. 457 relative to public landings,	120	LEE, (REUBEN.)	
Bill to authorize county courts to establish public landings, (No. 84,)	122	Petition to be permitted to remain in state,	227
Laid on table,	181	Bill for his relief, (No. 320,)	237
To be engrossed,	214, 215	Read first time,	424
Passed,	218	To be engrossed,	452
Rejected by senate,	237	Passed,	457
Resolution to report bill concerning them,	303	Passed with amendments by senate,	496
Bill brought in, (No. 419,)	307	Amendments agreed to by house,	496
Read twice, to be engrossed,	465	LEE, (ROBERT E.)	
Passed,	484	Resolution to vote him a sword,	118
Amended and passed by senate,	496	Committee thereon,	118
Amendments agreed to by house,	496	Bill therefor, (No. 97,)	126
LANGHORNE & HUNT.		Laid on table,	130
Petition to export flour without inspection,	235	LEGISLATURE.	
Reported on,	276	See <i>Adjournment.</i>	
Laid on table,	368	See <i>Assembly, (General.)</i>	
LANDS.		LEMOSY, (WILLIAM F.)	
Resolution to receive Virginia's quota, arising from sale of public lands,	53	Resolution to authorize him to sell lottery tickets,	234
Laid on table,	53	Bill concerning him, (No. 417,)	302
See <i>Surveys.</i>		Read twice, to be engrossed,	465
See <i>Delinquent Lands.</i>		Passed,	478
See <i>Western Land Titles.</i>		LEMOSY, (WILLIAM T.)	
LAND WARRANTS.		Resolution to allow and refund to him sum of money,	87
Resolutions to obtain from congress satisfaction for Virginia military land warrants for revolutionary services,	267	Reported and acted on,	125
Agreed to by senate,	280	LEVIES.	
LAND.		Amendment to Code relative to county levies, and the subjects for levy; vote thereon,	548
See <i>Inspections</i>		Further amendment on same subject; vote recorded,	549, 550
LARUE, (CYRUS A.)		Amendments relative to county levies for support of poor,	549
Petition to be allowed to sell goods as a pedlar,	103	Amendment relative to levies in Berkeley county,	551
Laid on table,	126	Further amendments relative to levies in counties; vote recorded,	551, 552, 553
Recommitted,	145	Amendment to Code relative to distress or levy upon slaves; vote recorded,	633, 634
Reported on,	225	See <i>Bank Notes.</i>	
Laid on table,	364		
LAW LIBRARIES.			
See <i>Library.</i>			

LEWISBURG.

Leave to withdraw petition relative to taxing citizens,	88
Again presented,	88
Bill extending its corporate limits, (No. 106,)	131
Read first time,	210
To be engrossed,	228
Passed,	231
Passed by senate,	271

LEWIS COUNTY.

Petition for separate election at John Helmick's,	42
Bill to authorize a separate election, (No. 8,)	58
Read first time,	67
To be engrossed,	78
Passed,	82
Passed by senate,	149
Resolution to change separate election,	53
Bill therefor, (No. 193,)	176
Read first time,	295
To be engrossed,	311
Passed,	323
Passed by senate,	333
Petition for separate election at Davis's house,	151
Bill to authorize separate election, (No. 263,)	215
Read first time,	374
To be engrossed,	423
Passed,	442
Passed by senate,	460
Petition for a bridge across Polk creek,	101
Petition for a road from Philippi to Buckhannon in Lewis,	133
Petition for a road from Buckhannon to Weston and Gauley bridge turnpike,	179
LEWIS, (ESTHER MARIA.)	
Petition of Lorenzo Lewis relative to real estate,	184
Reported on,	195
Recommitted,	327
Again reported,	393
Laid on table,	470

LEWIS, (LORENZO.)

Petition to exchange real estate,	194
See <i>Lewis, (Esther Maria.)</i>	

LEWIS, STOFER AND CROSS.

Petition to incorporate Spring division No. 104 of Sons of Temperance,	415
Laid on table,	483

LEXINGTON.

Petition for power to grant licenses for bowling alleys in town,	141
--	-----

LIBRARIAN.

Resolution for his election,	167
Agreed to by senate,	182
Election made,	203, 204
His letter relative to his conduct and course,	565, 567
Laid on table,	567
Committee to examine it, (rule 27,)	7
Quorum for business, (rule 29,)	7
Committee appointed,	37
Resolution to refer report of revisors to library committee,	86
Report of joint committee presented,	199

Acted on and approved,	339
Annual report of librarian,	340, 341
Librarian's account with commonwealth,	342
Books and maps constituting library fund,	343
International exchanges,	344
Resolution for re-arrangement of apartments for it,	66
Bill therefor, (No. 489,)	385
Read twice, to be engrossed,	467
Passed,	491
Passed by senate,	505

Resolution relative to removing law library to state courthouse,	213
Chapter on library in lieu of chapter in new Code, referred to committee on revision,	338
Amendments to Code relative to law libraries, vote thereon,	534, 535
Amendment relative to sale of books in tenth section of 19th chapter,	535
Amendments of senate to Code relative thereto,	570, 571
Kaufman's Mackeldy presented to library,	41

Resolution to grant use of library to ministers of the gospel,	127
--	-----

LIBRARY COMPANIES.

See *Franklin Society.*

LICENSES.

Resolution to change time for issuing them,	80
Reported and acted on,	126
Resolution for authorizing clerks to administer oaths to those applying for marriage licenses,	150
Resolution to require all persons taking out licenses to make oath not to violate act against circulation of small notes,	302
Indefinitely postponed, vote recorded,	302, 303

LIENS.

Resolution to give machinists and workers in iron lien on their work,	162
Bill therefor, (No. 205,)	182
Read first time,	295
To be engrossed,	312
Order of day,	322
Amended, reconsidered and recommitted,	325
Committee recommend rejection of bill,	393
Rejected,	418

LIGHT INFANTRY.

Resolution to create company in 142d regiment,	157
Laid on table,	270

LIME.

See *Inspections.*

LIMITATIONS.

Resolution relative to limitations of prosecutions,	73
Reported on,	84
Acted on,	90
Resolution to repeal or amend act relative to limitations to claims and suits against the state,	97

- Resolution to extend time of limitation upon merchants' accounts, 234
Laid on table, 358
Resolution to amend act limiting real actions and right of entry, 328
Reported on, 354
Laid on table, 359
- LIS PENDENS.**
Resolution as to the extent to which a *lis pendens* operates as notice to purchasers, 65
- LITERARY FUND.**
Committee of schools to examine its condition, (rule 34,) 8
See *Auditor*, (Second.)
See *School Quotas*.
See *Schools*.
Resolution to create new bureau for it, 178
Laid on table, 437, 454
- LITTLE KANAWHA BRIDGE COMPANY.**
Petition to allow purchase of ferry, 192
Bill concerning it, (No. 424,) 307
Read twice, to be engrossed, 465
Passed, 485
Passed by senate, 496
- LITTLE'S FALLS RAILROAD.**
Resolution to amend charter of company, 128
Bill concerning it, (No. 289,) 224
Read first time, 374
To be engrossed, 442
Passed, 449
Passed by senate, 472
- LITTLE STONE GAP ROAD.**
Resolution to make appropriation to complete road, 167
Bill to provide for its completion, (No. 445,) 323
Read twice, to be engrossed, 466
Passed, 485
Passed by senate, 504
- LIVE STOCK.**
Report of weigh-master communicated by governor, 23
- LIVINGSTON, (SERJEANT.)**
Resolution to vote him a medal, 410
- LOANS.**
Commented on by governor, 10, 11
See *Auditor*, (Second.)
- LOFTAS, (ANTHONY.)**
Petition to be relieved from payment of fines, 217
Bill refunding certain fines, (No. 323,) 237
Read first time, 424
To be engrossed, 452
Passed, 462
Rejected by senate, 482
- LOGAN COUNTY.**
Resolution to establish separate elections, 66
Bill authorizing two separate elections, (No. 333,) 259
Read first time, 425
Amended and to be engrossed, 451
Passed, 473
Passed by senate, 482
- Petition for road from James Shannon's to Mercer county, 42
See *Logan, Raleigh and Monroe Turnpike*.
Petition for new county, 35
Reported on, 234
Laid on table, 361
Resolution to change time of holding county court, 128
Petition to remove obstructions in Sandy river, 298
Petition relative to junior patentees, and for amendment to laws concerning delinquent lands, 129
- LOGAN, RALEIGH AND MONROE TURNPIKE.**
Bill incorporating company, (No. 425,) 307
Read twice; to be engrossed, 463
Passed, 485
Passed by senate, 497
- LOTS.**
See *Property*, (Public.)
- LOUDOUN COUNTY.**
Petition that collectors of state revenue may be required to receive notes of the Wheeling banks, 123
Reported on, 225
Laid on table, 364
Petition to incorporate the Mutual fire insurance company of Loudoun, 123
See *Mutual Fire Insurance Company*.
Petition for separate election at Goresville, 143
Reported on, 313
Laid on table, 362
Petition to permit Harry Parker to remain in the state, 129
Petition in favour of Forrest Griffiths remaining in state, 206
Petition to permit Wilson Anderson to remain in state, 222
Petition to reduce tax on dogs, 228
Petition for protection of sheep, 330
Petition for aid to improve road from Hillsborough to Harper's Ferry, 123
Petition of Sons of Temperance; laid on table, 453
Petition for new county, 215, 258
Reported on, 276
Laid on table, 361
- LOUISA RAILROAD.**
Commented on by governor, 12 to 15
Governor communicates proceedings of internal improvement meeting relative to its extension, 73
Printed. Doc. No. 28.
Petition to extend road to Richmond, 34
Bill for subscription by state, (No. 292,) 224
Read first time, 381
Amended and to be engrossed, 413, 444
Rejected; vote recorded, 450
Resolution for connecting it with the Lynchburg and Tennessee railroad, 44
Voted on, 388
See *Surveys*.
- LOVELACE, (CHARLES.)**
Petition to be paid for keeping and clothing lunatics, 192

Bill concerning him, (No. 324.)	237	LYNCHBURG.	
Read first time,	424	Petition to aid James river and Kana-	
To be engrossed,	452	wha company,	34
Passed,	462	Petition relative to location of their	
Passed by senate,	482	poorhouse,	430
LOVING, (WILLIAM S.)		Corporation to purchase land, and	
Elected brigadier general,	201, 202	erect a poorhouse, (bill No. 219,)	
LOW, (LEVI.)		(519,)	461
Petition to increase height of his dam,	200	Read twice, to be engrossed,	468
To raise his dam, (bill No. 354,)	266	Passed,	492
Read first time,	425	Passed by senate,	505
To be engrossed,	456	Petition for fire insurance company,	217
Passed,	475	Resolution to authorize sergeant of	
Passed by senate,	490	town to levy executions,	216
LUMBER.		See <i>Sergeants</i> .	
See <i>Inspections</i> .		Petition to incorporate a Female	
LUNATIC ASYLUMS.		orphan asylum,	279
Committee to examine them, (rule 27,)	7	LYNCHBURG FEMALE ORPHAN	
Quorum for business, (rule 29,)	7	ASYLUM.	
Committee appointed,	37	Bill to incorporate it, (No. 451,)	229
Reports communicated by governor,	26	Read twice, to be engrossed,	466
Part of governor's message relating to		Passed,	486
asylums referred,	33	Passed by senate,	496
Resolution for furnishing them with		LYNCHBURG HOSE COMPANY.	
statutes and journals,	65	Petition for fire insurance company,	217
Agreed to by senate,	73	Bill to incorporate it, (No. 433,)	313
Copy of journals, reports and docu-		Read twice, to be engrossed,	465
ments to be given them,	379	Passed,	486
Bill to provide furniture for both asy-		Passed by senate,	496
lums, (No. 46,)	84	LYNCHBURG MECHANIC ARTIL-	
To be engrossed,	101	LERY.	
Laid on table,	105, 121	Resolution to exempt them from mili-	
Passed,	131	tary duty in counties of Amherst	
Passed by senate,	156	and Bedford,	46
To receive into Eastern asylum naval		LYNCHBURG AND SEABOARD	
and marine lunatics of United States,		RAILROAD.	
(bill No. 370,)	273	Resolution for a railroad between	
Read first time,	426	those points,	100
To be engrossed,	462	LYNCHBURG AND TENNESSEE	
Passed,	476	RAILROAD.	
Passed by senate,	495	Commented on by governor,	14
LUNATICS.		Resolution for a subscription by state	
Resolution for receiving into state hos-		to its stock,	32
pitals lunatics of navy or marine of		Memorial and report of company and	
United States,	267	engineer to be printed,	79
Documents relating thereto,	267	Printed. Doc. No. 30.	
See <i>Lunatic Asylums</i> .		Resolution relative to report of engi-	
Resolution to provide for taking relin-		neer on most eligible route to be	
quishment of dower in estate of lu-		printed,	144
natics,	44	Printed. Doc. No. 45.	
Bill therefor, (No. 35,)	79	Resolution calling for proceedings of	
Laid on table,	100	company,	144
Committed,	116	President of company communicates	
Reported with amendment,	122	list of subscribers, shares, &c.,	176
Amendment agreed to, and to be en-		Petition for a subscription by state to	
grossed,	269	its stock,	34
Passed,	274	Bill therefor, (No. 122,)	140
Amended and passed by senate,	307	Read first time,	211
Amendments agreed to by house,	307	Taken up,	220
Resolution to require sheriffs to take		Order of day,	226
charge of their estates,	177	Amendment submitted by Mr. Paxton ;	
Bill concerning committees of their		negative; vote recorded,	314 to 318
estates, (No. 372,)	276	Amended and to be engrossed,	321
Read first time,	426	Order of day,	325, 330, 333, 336
To be engrossed,	462	Amendments to be proposed by Mr.	
Laid on table,	473	Paxton, ordered to be printed,	236
LURAY AND VALLEY TURNPIKE.		Motion to postpone and make it order	
Laid on table,	437	of day; vote thereon recorded,	336

Previous question sustained,	336
Rejected; vote recorded,	336
Motion to reconsider; vote recorded,	376
Reconsidered; ryder offered; motion to lay on table; previous question called,	376
Ryder offered; rejected; vote thereon,	379, 380
Bill rejected; vote recorded,	380
Vote rejecting bill reconsidered; vote recorded,	381
Laid on table,	381
Ryder ordered to be printed,	381
Amendments to ryder to be printed,	382
Ryder amended,	387, 388
Motion by Mr. Perrow to amend; vote thereon,	388
To connect Richmond and Danville road; vote,	387, 388
Previous question; not sustained; vote,	389
Revocation of contracts for Southwestern road; vote thereon,	389, 390
Ryder as amended rejected,	390, 391
Vote recorded,	392
Previous question sustained on passage; bill passed; vote thereon,	392
Title amended; Virginia and Tennessee railroad,	392, 393
Passed by senate,	437
Resolution for connecting it with the Louisa railroad,	44
See <i>Surveys</i> .	
See <i>Virginia and Tennessee Railroad</i> .	
LYNCH, (WILLIAM F.)	
Resolution voting thanks to him for Khaisi calves,	207
Agreed to by senate,	228
LYONS, (JAMES.)	
Voted for as governor,	60
Call for his communication to Board of public works,	159
Communication furnished,	166
Printed. Doc No. 10.	
LYTTLE, (DAVID R.)	
Petition for payment of his account for teaching,	43
Reported on,	63
Acted on,	68

M

MACHINISTS.

Resolution to give them lien on machines,	162
Bill therefor, (No. 205,)	182
Read first time,	295
To be engrossed,	312
Order of day,	322
Amended, reconsidered and recommit- ted,	325
Committee recommend its rejection,	393
Rejected,	418
MACKALL, (RICHARD C.)	
Bill to re-assess his mills, (No. 468,)	337
Read twice, to be engrossed,	466
Passed,	486
Passed by senate,	504

M'CULLOCK, (JOHN.)	
Petition relative to recording partly proved deeds,	81
See <i>Deeds</i> .	
M'DANIEL, (JOHN R.)	
Petition for fire insurance company, See <i>Lynchburg Hose and Fire In- surance Company</i> .	217
M'INTOSH, (GEORGE,) and others.	
Leave to withdraw memorial relative to Exchange Bank of Virginia,	42
Again presented,	42
Reported on,	237
Laid on table,	367
M'KEOWN & CROLLY.	
Leave to bring in bill concerning them,	285
Bill brought in, (No. 428,)	307
Read twice, to be engrossed,	465
Laid on table,	484
M'NUTT & FLOURNOY.	
Their petition,	268
Reported on,	276
Laid on table,	368
M'RAE, (DANIEL D.)	
Petition to be compensated as teacher of poor children,	57
Reported on,	307
Laid on table,	468
MADISON COUNTY.	
Petition for a road across Blue Ridge,	133, 148
Petition for amending laws in relation to suits in chancery,	517
MADISON MINING AND TRADING COMPANY.	
Petition for a loan of arms,	238
Resolution thereon, vote,	278
MAILS.	
Letter from post office department re- lative to arrangement for mails from Warrenton to Alexandria,	537
MALICIOUS STABBING.	
Resolution relative to it,	163
MANCHESTER BRIDGE COMPANY.	
Bill to incorporate it, (No. 258,)	205
Read first time,	352
To be engrossed,	423
Passed,	427
Passed by senate,	453
MANDAMUS.	
Leave to introduce bill to authorize court of appeals to issue writs,	263
Bill presented, (No. 340,)	263
Read three times and passed,	263
Passed by senate,	264
MANNING, (JACOB.)	
Prayer by him,	205, 228, 419, 444
MANUFACTURERS.	
Resolution to prevent tobacco manufac- turers from using each others brands,	227
MANUFACTURED TOBACCO.	
Brands of one manufacturer not to be used by another, (bill No. 362,)	270
Read first time,	425
To be engrossed,	462
Passed,	476
Passed by senate,	495

MANUFACTURING COMPANIES.

- Resolution to incorporate a company
for mining for lead, silver and gold in
Albemarle and Nelson, 177
*See Albemarle and Nelson Mining
Company.*
See Piney Run Iron Factory.
See Portsmouth Manufactory.
*See Falls and Winterpoc Manufac-
turing Companies.*
*See Dismal and Walker's Creek Iron
Manufactory.*
*See Harper's Ferry and Shenandoah
Manufacturing Company.*
See Swift Creek Company.
See Striderian Manufacturing Company.
See Spring Hill Company.
See Union Manufacturing Company.

MAPS.

- Resolution to distribute part of inter-
nal improvement map, 115, 116
Resolution rescinded, 120
Another adopted, 120
Agreed to by senate, 156
Resolution to give C. Crozet additional
compensation for improvement map, 157
See Crozet, (C.)
Resolution to provide for compiling
new state map, 140
Resolution to procure map of state for
clerks of courts, 86
Resolution to collect materials for map
of state, 206
Document to support resolution, 206
Resolution to cause series of county
maps to be prepared, 159
Laid on table, 461
Geological map of France presented
to state, 429
See Trigonometrical Survey.

MARINE RAILWAY COMPANY.

- See Alexandria Marine Railway Company.*

MARION BRIDGE COMPANY.

- Bill incorporating company, (No. 498,) 415
Read twice, to be engrossed, 467
Passed, 491

MARION COUNTY.

- Petition for new county, 110
Reported on, 215
Acted on, 356
Petition for subscription to Monongalia
company, 151
To be printed, 154
Doc. No. 47.
Petition for a turnpike from Taylor
county to Fairmont, 324
Laid on table, 461

MARION TOWN.

- Petition to incorporate town, 217
Bill to extend its limits, &c. (No. 391,) 285
Read first time, 426
To be engrossed, 463
Passed, 478
Passed by senate, 490

MARRIAGES.

- Resolution to authorize clerks to ad-
minister oaths to those applying for
licenses, 150

- Resolution to authorize justices to
celebrate rites of matrimony, 217
Reported on, 219
Acted on, 357

- Amendment to Code relative to mar-
riage of females under fourteen, 558, 559

MARRIED WOMEN.

- Resolution to protect their property
from debts of husbands, 50
Leave to bring in bill therefor, 277
Bill brought in, (No. 386,) 280
Read first time, 426
Referred to committee on revision, 463
Resolution to protect their property, 557
Motion to amend, reference to com-
mittee, 557
Motion to postpone indefinitely; vote
thereon, 557, 558
Resolution agreed to, 558
Committee appointed, 559
Reported on, 571

- Amendment to Code relative to their
acknowledgment of deeds, 574
As to number of justices therefor, 574
Amendments to Code relative to pro-
tection of their property, 586, 587

MARSHALL COUNTY.

- Resolution to establish one and remove
another separate election, 281
Remonstrance against it, 281
Petition for a separate election, 304
Separate election, (bill No. 449,) 329
Read twice; to be engrossed, 466
Passed; title amended, 487
Amended and passed by senate, 496
Amendments agreed to by house, 496

MARTINSBURG.

- Petition to convey street to Baltimore
and Ohio railroad, 35
Bill concerning town, (No. 156,) 153
Read first time, 294
To be engrossed, 306
Passed, 310
Passed by senate, 331

**MARTINSBURG AND POTOMAC
TURNPIKE.**

- Bill to incorporate company, (No.
398,) 285
Read twice; to be engrossed, 464
Rejected, 479
Reconsidered and passed, 484
Passed by senate, 504

**MARTINSBURG AND WINCHESTER
TURNPIKE.**

- Resolution to amend acts concerning it, 33
Bill therefor, (No. 55,) 92
Read first time, 101
To be engrossed, 104
Passed, 108
Passed by senate with amendment, 168
Amendment agreed to by house, 169

MARTIN, (W. C.)

- His petition, 268
MARTIN, (WILLIAM L.)
Resolution to pay him for conveying
lunatic to asylum, 303
Laid on table, 454

- MARTIN, (N. M.)**
 His reply to James Lyons called for, 196
 Furnished, 204
 Printed. Doc. No. 10.
 See *Richmond and Petersburg Railroad*.
- MARYLAND AND VIRGINIA STEAM-PACKET COMPANY.**
 Resolution to authorize them to hold real estate, 56
 Bill therefor, (No. 30,) 74
 Read first time, 83
 To be engrossed, 89
 Passed, 95
 Passed by senate, 152
- MASON COUNTY.**
 Petition for separate election, 42
 Petition to prevent killing of deer, 43
 Bill for a separate election, (No. 38,) 84
 Read and to be engrossed, 96
 Passed, 99
 Passed by senate, 155
 Resolution to change court day, 45
 Bill to change April term of county court, (No. 17,) 69
 Read first time, 78
 To be engrossed, 83
 Passed, 88
 Passed by senate, 162
 Leave to withdraw petition to appropriate revenues of county to rebuild bridges, &c. 81
 Again presented, 81
 Laid on table, 438
 Petition for aid to improve navigation of Kanawha river, 157
 1500 copies to be printed. Doc. No. 46.
 Order of county court to change quarterly court, 168
 Proceedings of court for repeal of act changing time of holding circuit court, 517
 Laid on table, 517
- MASONIC ASSOCIATION OF WHEELING.**
 Resolution to incorporate it, 184
- MASON, (JOHN Y.)**
 Voted for as governor, 60, 61, 62
- MASSACHUSETTS.**
 Acts of legislature quoted for protection of personal liberty, 250
- MASTERS AND APPRENTICES.**
 Resolution to secure their rights in Alexandria, 320
 Bill therefor, (No. 455,) 331
 Read twice; to be engrossed, 466
 Passed, 485
 Passed by senate, 504
- MATHEWS COUNTY.**
 Petition for separate election, 120
 Bill authorizing two separate elections, (No. 286,) 224
 Read first time, 374
 Amended and to be engrossed, 441
 Passed; title amended to include Mecklenburg and Highland, 450
 Passed by senate, 459
 See *Oysters*.
- MAYO, (EDWARD C.)**
 Petition to regulate tolls on his bridge, 155
- MAYO, (WILLIAM H.)**
 Communication from navy department relative to his conduct at Vera Cruz, 438
- MAYOR'S COURT.**
 Bill concerning the jurisdiction thereof in Richmond, (No. 90,) 194
 To be engrossed, 130
 Passed, 180
 Amended and passed by senate; amendments agreed to by house, 337
- MEADE, (RICHARD K.)**
 Voted for as judge, 60
- MEAL.**
 See *Inspections*.
- MEASURES.**
 See *Weights and Measures*.
- MECHANIC ARTS.**
 Committee to be appointed (rule 27,) 7
 Quorum of committee, (rule 29,) 7
 Committee appointed, 37
 To appoint and discharge clerk, (rule 28,) 7
- MECKLENBURG COUNTY.**
 Petition for separate election, 179
 Bill for separate election at Edmondson's store, (No. 500,) 415
 Laid on table, 464
 Separate election; see *Mathews County*, 450
- MEDALS.**
 Voted several officers for defence of Craney Island, 410
- MEDICAL COLLEGE.**
 Bill concerning interest on loans, (No. 307,) 239
 Read first time, 423
 To be engrossed, 451
- MEETINGS OF HOUSE.**
 Hour fixed for daily meetings of house, 32
 Motion to change hour for meeting; negatived, 154
 Hour of meeting changed, 165, 223, 227
 313, 495, 529, 559, 666, 676
- MEETINGS OF LEGISLATURE.**
 Resolution for leave to bring in bill to change time of meeting to January, 664
 Motions to amend, 664
 Motion to postpone indefinitely; vote recorded, 664, 665
 Question on agreeing to resolution; vote thereon, 665
 Committee therefor, 665
 Bill brought in, (No. 533,) 665
 Read twice; vote on engrossing it, 665
 Passed, 665
- See *Adjournment*.
 See *Fauquier White Sulphur Springs*.
 At Fauquier springs, 528
- MEMBERS.**
 Not to be absent without leave, (rule 1,) 4
 How to address chair, (rule 2,) 4
 To adhere to subject, (rule 2,) 4
 Not to use improper language, (rule 2,) 4

How to be recognized by speaker, (rule 3,)	4
Not to name each other in debate, (rule 3,)	4
How often to speak, (rule 4,)	4
Conduct while speaker reports questions, (rule 6,)	4
Not to vote when interested, (rule 7,)	4
To vote when present, (rule 8,)	4
How sent for, censured or discharged, (rule 9,)	4
To remain in seats till speaker passes, (rule 10,)	4
On call of house when excluded, (rule 11,)	4
Right to call ayes and noes, (rule 12,)	4
May be placed in chair, (rule 14,)	5
Of senate and executive to have seats in hall, (rule 15,)	5
In presenting petitions to announce their object and endorse them, (rule 26,)	5
Successful in contested elections, entitled to pay, (rule 36,)	8
Writs or subpoenas to preserve testimony, how sued against them, (rule 39,)	8
Not to be delivered while privilege exists, (rule 39,)	8
Report of committee on returns and qualifications of members presented,	296
Acted on,	365, 366, 367
Robert M. Hudson qualified and took his seat,	331
Limited in debate to fifteen minutes,	431
Resignation of A. H. Byrd,	479
Resignation of Paulus Powell,	514
Resignation of George W. Kyle,	521
List of delegates and counties,	679, 680

MERCER COUNTY.

Petition for separate election,	54
Bill for separate election, (No. 73,)	111
To be engrossed,	116
Passed,	121
Passed by senate,	149

MERCHANTS' ACCOUNTS.

Resolution to extend time of limitation upon their accounts,	234
Reported on,	266
Laid on table,	358

MERCHANTS AND MECHANICS BANK.

Statement of its condition transmitted by governor,	321
Printed. Doc. No. 73.	

MEREDITH, (FLEMING AND FRIENDLESS.)

See *Blood, (Fleming and Friendless.)*

MESSAGES.

From senate and executive to claim precedence, (rule 13,)	
Between clerks, how interchanged, (rule 20,)	
When to be considered, (rule 20,)	
See <i>Governor.</i>	

MICROSCOPE.

Governor communicates pamphlet of Peter A. Brown and M. W. Dickerson relative to discoveries by microscope,	260
Printed. Doc. No. 64.	

MIDDLEBURG.

Petition to purchase and hold land for a cemetery,	107
--	-----

MIDDLESEX COUNTY.

Petition for removal of courthouse, 99,	120
Remonstrance against it,	120
Bill to take sense of people for removal of courthouse, (No. 233,)	191
Read first time,	327
To be engrossed,	387
Passed,	413
Passed by senate,	445

MILITARY INSTITUTE.

See *Virginia Military Institute.*

MILITARY LAND WARRANTS.

Resolutions to obtain from congress satisfaction for Virginia military land warrants,	267
Agreed to by senate,	280

MILITARY SCHOOL.

Armory school suggested by governor,	28
Referred,	44
See <i>Virginia Military Institute.</i>	
See <i>Virginia Armory School.</i>	

MILITIA.

Report of adjutant general communicated by governor,	27
Resignations of generals Pindall and Botts communicated,	27
Resolution to refer governor's message for reforming system,	49
Resolution to report revised bill,	43
Resolution changing time of trainings and regimental and battalion musters,	50
Reported on,	92
Laid on table,	260
Resolution to furnish officers with militia laws and Scott's Tactics,	50
Laid on table,	260
Resolution to allow excuses of delinquents before battalion and regimental courts to be sworn to before a justice,	50
Resolution to authorize clerks of battalion and regimental courts to administer oaths for excuses for fines,	177
Laid on table,	270
Resolution to pay officers at training,	65
Reported on,	92
Acted on,	102
Resolution to allow clerk of 179th regiment same pay with clerk to 19th regiment,	47
Resolution to exempt officers and privates who served in Mexican war from military duty,	64
Resolution for exempting captain Elza's company from regimental musters,	187
Laid on table,	259
Resolution to divide tenth brigade,	75

- Laid on table,
 Bill exempting company in 107th regiment from regimental musters, (No. 294.)
 Read first time,
 To be engrossed,
 Passed,
 Passed by senate,
 For its organization, (bill No. 363.)
 Referred to committee on revision,
 Amendments to Code by senate relative to exemption from militia duty,
 Amendment relative to number of musters; vote thereon,
 Action of both houses thereon,
 Amendments relative to enrolment by volunteer companies of contributing members exempt from duty,
 Amendment relating to extra musters of volunteers,
 Action of both houses on said amendments; votes recorded,
 Resolution to reinstate brigade inspectors,
 Laid on table,
 Resolution to provide for election of brigadiers by officers,
 Laid on table,
- MILITIA LAWS.**
 Committee to be appointed, (rule 27,)
 Quorum of committee, (rule 29.)
 Committee appointed,
 To elect and discharge clerk, (rule 28.)
 Committee to sit during session of house,
- MILL DAMS.**
See Dams.
 Resolution for assessing unforeseen damages,
 Reported on,
 Acted on,
 Committee discharged,
- MILLER, (GEORGE.)**
 Petition to be released from a fine,
 Reported on,
 Laid on table,
- MILLER, (JOHN.)**
 Leave to withdraw petition for pay for tuition of poor children,
 Again presented,
 Reported on,
 Acted on,
- MILLERS.**
See Amherst County.
See Roanoke County.
See Prince Edward County.
See Buckingham County.
- MINERALOGIST.**
See Agricultural Chemist.
- MINING COMPANIES.**
 Committee discharged from resolutions for a company for mining for lead, silver and gold in Albemarle and Nelson, and referred
- 270 to committee on agriculture and manufactures,
 Bill therefor, (No. 369.)
 225 273, 426, 462, 476, 482
 381 *See Grindstone Hill Mining and Manufacturing Company.*
 443 *See Piedmont Mining Company.*
 449 *See Rapid Ann Mining Company.*
 481 *See Fluvanna Gold Mine Company.*
 270 *See Northeast Gold Mine Company.*
 456 *See Spottsylvania Gold Mine Company.*
- MINISTERS OF GOSPEL.**
 Resolution to extend to them the use of public library,
See Prayer.
- MINOR, (B. B.)**
 Bill to confirm sale of part of capitol square to him, (No. 163.)
 Read first time,
 To be engrossed,
 Passed,
 Passed by senate,
- MINORS.**
See Limitations.
- MISDEMEANORS.**
 Resolution to repeal act allowing indictment for misdemeanors after trial and acquittal,
 Acted on,
- MISJOINDERS.**
 Resolution providing that no demurrer shall be entertained for misjoinder,
 Reported on,
 Laid on table,
- MISTAKES.**
 In recording ayes and noes, when corrected, (rule 12,)
- MITCHELL, (ROBERT H.)**
 Leave to withdraw petition for a divorce,
 Again presented,
 Bill divorcing him, (No. 202.)
 Read first time,
 To be engrossed,
 Passed,
 Passed by senate,
- MOFFIT, (CORPORAL.)**
 Resolution to vote him a medal,
- MONONGAHELA NAVIGATION COMPANY.**
 Bill incorporating it, (No. 214.)
 Read first time,
 To be engrossed,
 Passed,
 Passed by senate,
- MONONGALIA COUNTY.**
 Petition relative to improving the Monongahela river,
 Petition to release William Caruthers from a fine,
 Petition for separate election,
 Separate election established, (bill No. 241.)
 Bill for separate election, (No. 380.)
 Laid on table,

MONROE COUNTY.

Petition for new county,	50
Remonstrance against it,	114
Both reported on,	215
Acted on,	356
Petition to complete road from Sweet springs to Shirkey's landing,	281, 377

MONROE SAVINGS BANK.

Resolution to establish it,	186
Bill therefor, (No. 326,)	237
Read first time,	424
To be engrossed,	452
Passed,	464
Passed by senate,	490

MONTGOMERY COUNTY.

Petition to add part of it to Roanoke,	51
Bill therefor, (No. 81,)	117
Laid on table,	124
Passed,	127
Passed by senate,	232
Leave to withdraw petition for a road from Patrick courthouse to Christiansburg,	145
Again presented,	145
Petition for a branch bank at Salem,	197

MONUMENTS.

See <i>Washington Monument</i> .	
Resolution for a monument to commemorate the battle of Point Pleasant, laid on table,	447

MOON, (CHRISTOPHER.)

Leave to withdraw petition,	139
-----------------------------	-----

MOORE, (FREDERICK.)

Petition to release to him state's right to certain land,	76
Bill therefor,	102
To be engrossed,	105
Passed,	108
Passed by senate,	152

MOORE, (HENRY C.)

Petition for a divorce,	335
Bill therefor, (No. 482,)	384
Read twice ; to be engrossed,	467
Passed,	491
Resolution amending act concerning his lands,	141
Bill therefor, (No. 285,)	224
Read first time,	374
To be engrossed,	442
Passed,	449
Passed by senate,	460

MOORE, (PETER.)

Petition for a divorce,	73
Bill divorcing him, (No. 33,)	74
Read first time,	83
To be engrossed,	89
Laid on table,	94

MOORE, (SUSAN.)

Remonstrance against divorce,	217
-------------------------------	-----

MOORE, (THOMAS V.)

Prayer by him,	106, 155, 161, 168, 515, 517, 522
----------------	-----------------------------------

MOORFIELD AND ALLEGHANY TURNPIKE.

Bill to incorporate it, (No. 179,)	159
Read first time,	294
Amended and to be engrossed,	330

Passed ; vote recorded,	383
-------------------------	-----

Passed by senate,	444
-------------------	-----

MOORFIELD AND NORTH BRANCH TURNPIKE.

Resolution to amend acts relating to road, 33	
Bill to provide for its extension, (No. 139,)	147

Read first time,	293
------------------	-----

To be engrossed,	330
------------------	-----

Passed ; vote recorded,	353
-------------------------	-----

Passed by senate,	444
-------------------	-----

MORGAN, (CHARLES S.)

Elected superintendent of penitentiary,	203
---	-----

See *Superintendent of Penitentiary*.

MORGAN COUNTY.

Petition for a road from Northwestern turnpike to Baltimore and Ohio railroad,	130, 151
--	----------

MORGANTOWN AND BRIDGEPORT TURNPIKE.

Bill to incorporate it, (No. 403,)	296
------------------------------------	-----

Read twice ; to be engrossed,	464
-------------------------------	-----

Passed,	478
---------	-----

Passed by senate,	490
-------------------	-----

MORGANTOWN AND CLARKSBURG TURNPIKE.

Resolution to revive its charter,	150
-----------------------------------	-----

MORRIS, (WILLIAM.)

Petition relative to condemnation of land by James river and Kanawha company,	227
Laid on table,	461

MORTON, (MARY.)

Resolution to permit her to pay taxes,	206
Bill therefor, (No. 521,)	468
Read twice ; to be engrossed,	468
Passed,	492

MOTIONS.

Amendment to Code relative to motions for recovery of money due by bond, bill or note in writing ; vote thereon,	614
--	-----

See *Sheriffs*.

MOUNT LAUREL RANGERS.

Report on petition of Halifax county ; laid on table,	368, 369
---	----------

MOUNT PLEASANT ACADEMY.

Petition to enlarge corporate powers,	355
Bill to incorporate it, (No. 502,)	415
Read twice ; to be engrossed,	468
Passed,	492
Passed by senate,	504

MOUNT SOLON TOWN.

Petition to establish town,	207
Laid on table,	483

MUD RIVER.

Resolution declaring river a highway,	39
Bill therefor, (No. 54,)	92
Read first time,	101
To be engrossed,	104
Passed,	108
Passed by senate,	168

MUNFORD, (GEORGE W.)

Appointed clerk,	3
------------------	---

See *Clerk of House*.

MUNFORD, (J. D.)

See *Madison Mining and Trading Company*.

MURDER.		
Amendment to Code relative to murder by mothers of their infants; vote recorded,	644	
MUSTERS.		
Resolution to change time of regimental and battalion musters,	50	
Laid on table,	260	
Bill to exempt company in 107th regiment from attending regimental musters, (No. 294,)	225	
Read first time,	381	
To be engrossed,	443	
Passed,	449	
Passed by senate,	481	
Amendment to Code relative to number of musters; vote thereon,	571, 572	
Action of both houses thereon,	603	
Amendments relative to enrolment by volunteer companies of contributing members exempt from duty,	572	
Amendment relating to extra musters of volunteers,	572	
Action of both houses on said amendments,	602, 603	
MUTUAL FIRE INSURANCE COMPANY.		
Resolution to incorporate company in Loudoun,	115	
Bill therefor, (No. 192,)	176	
Read first time,	295	
To be engrossed,	311	
Passed,	323	
Amended and passed by senate,	454	
Amendments agreed to by house,	454	
N		
NANSEMOND CAVALRY.		
Petition to be allowed to exchange arms,	200	
Petition laid on table,	270	
NANSEMOND COUNTY.		
Petition concerning oysters,	328	
NASH, (JOHN W.)		
Appointed judge by governor,	18	
Elected judge of 2d circuit,	59	
NAVIGATION COMPANIES.		
See <i>Cole River Navigation Company.</i>		
See <i>Rivanna Navigation Company.</i>		
See <i>Smith's River Navigation Company.</i>		
See <i>Virginia Navigation Company.</i>		
See <i>Goose Creek Navigation Company.</i>		
See <i>Guyandotte Navigation Company.</i>		
See <i>Pamunkey Navigation Company.</i>		
See <i>Monongahela Navigation Company.</i>		
NELSON COUNTY.		
Resolution to change time of circuit superior court,	116	
Bill therefor, (No. 101,)	128	
Committed,	181	
Referred to committee for courts of justice,	196	
Reported with amendment,	277	
To be engrossed,	285	
Passed,	304	
Passed by senate,	319	
Motion to bring in bill changing circuit court; laid on table,		597
Resolution taken up and bill to change time of holding circuit courts brought in, (No. 523,)		652
Read, amended and passed,		652
Petition for a bank at Scottsville,		151
NELSON, (THOMAS L.)		
His death announced,		587
NEOTROPHIAN SOCIETY.		
Resolution to incorporate it,		324
Bill incorporating it, (No. 466,)		334
Read twice, to be engrossed,		466
Passed,		486
Passed by senate,		496
NEW CASTLE TOWN.		
Petition to repeal law relative to formation of new counties,		320
Laid on table,		483
NEW COUNTIES.		
Resolution to repeal law relative to voting for new counties,		65
Reported on,		158
Acted on,		291
Resolution to amend act concerning formation of new counties,		273
Acted on,		291
Bill repealing act for formation of new counties, (No. 508,)		437
Read twice, to be engrossed,		468
Laid on table,		494
Bill to create new county out of Accomack, (No. 157,)		153
Read first time,		178
To be engrossed,		210
Passed; vote recorded,		218
Rejected by senate,		307
NEW CUMBERLAND TOWN.		
Petition to locate seat of justice of Hancock county in town,		35, 107
Reported on,		125, 205
Acted on,		179, 225
NEW MANCHESTER.		
Petition relative to the location of seat of justice of Hancock,		107
Reported on,		125, 205
Acted on,		179, 225
NEW MARKET.		
Petition to incorporate Shenandale college,		148
NEW MARKET AND SPERRYVILLE TURNPIKE.		
Resolution to provide for constructing road between New Market and Luray,		163
Bill to amend its charter, (No. 503,)		415
Read twice, to be engrossed,		468
Passed,		492
Amended and passed by senate,		505
Amendments agreed to by house,		505
NEW MEXICO.		
See <i>Wilmot Provision.</i>		
NEW SHENANDOAH COMPANY.		
Resolution to increase state's subscription,		93
Bill therefor, (No. 293,)		294
Read first time,		381

to be engrossed,	443	Passed,	449
aid on table,	449	Passed by senate,	459
NEW TRIALS.			
Resolution relating to new trials before a justice of the peace,	129	NORFOLK COUNTY.	
NEW YORK.			
Petition concerning wreckers,	227	Leave to withdraw petition relative to mill dams,	218
NICHOLAS COUNTY.			
Resolution to change spring term of circuit courts,	75	Again presented,	218
Circuit court day changed, (bill No. 360.)	270	Reported on,	313
Read three times and passed,	416	Laid on table,	369
Passed by senate with amendments,	419	Petition relative to oysters,	113, 114
Amendments agreed to by house,	419	Petition to connect James river improvement with tidewater,	123
Resolution for settling county lines,	141	Resolution to amend free school system,	178
Reported on,	284	NORFOLK EXPORTING AND IMPORTING COMPANY.	
Laid on table,	361	Resolution to incorporate it,	186
Petition for new county,	129	Reported on,	259
Reported on,	313	Laid on table,	360
Laid on table,	362	NORFOLK GAS LIGHT COMPANY.	
NON-RESIDENT PARTIES.			
Bill concerning non-resident parties to suits, (No. 210.)	185	Bill to incorporate it, (No. 153.)	150
Read first time,	295	Read first time,	294
To be engrossed,	386	To be engrossed,	306
NORFOLK CITY.			
Resolution to amend its charter,	33, 119	Passed,	310
Committee discharged therefrom,	119	Amended and passed by senate,	460
Bill to amend act concerning city, (No. 114.)	135	Amendments agreed to by house,	460
To be read a second time,	161	NORFOLK NAVIGATION COMPANY.	
To be printed,	161	Resolution to incorporate it,	298
Amended,	181, 226	NORFOLK SEAMAN'S FRIEND SOCIETY.	
Laid on table,	209, 226	Petition for an appropriation to erect buildings for society,	282
Committed,	259, 264	Printed. Doc. No. 68.	
Reported with amendment,	269	Bill to aid it, (No. 459.)	332
To be engrossed,	279, 280	Read twice, to be engrossed,	466
Passed,	285	Laid on table,	488
Passed by senate,	306	NORFOLK AND WESTERN RAILROAD.	
Leave to withdraw memorial relative to Exchange Bank of Virginia,	42	Bill to incorporate it, (No. 313.)	239
Again presented,	42	Read first time,	424
Reported on,	237	Amended,	444
Laid on table,	367	To be engrossed,	450, 451
Resolution relative to register of free negroes,	49	Passed,	457
See <i>Free Negroes</i> .		Amended and passed by senate,	482
Petition relative to pilots; withdrawn and again referred,	80	Amendments agreed to by house,	482
Resolution to exempt councils from jury duty,	159	NORMAN, (LUCY W.)	
Reported on,	205	Petition for a divorce,	93
Acted on,	350	Bill divorcing her,	103
Petition relative to oysters,	113, 114	Read first time,	188
Petition to incorporate gas light company,	116	To be engrossed,	210
See <i>Norfolk Gas Light Company</i> .		Passed,	214
Petition for a railroad from Norfolk to Lynchburg,	187	Passed by senate,	270
Petition to extend jurisdiction of magistrates,	520	NORTHAMPTON COUNTY.	
Laid on table,	521	Resolutions on the subject of slavery; laid on table,	170
See <i>Commissioners of Revenue</i> .		NORTHEAST GOLD MINE COMPANY.	
Bill concerning collectors of school taxes, (No. 304.)	229	Resolution to incorporate company,	162
Read first time,	423	Bill to incorporate it, (No. 228.)	190
To be engrossed,	443	Read first time,	327
		To be engrossed,	387
		Passed,	413
		Amended and passed by senate,	446
		Amendments agreed to by house,	446
		NORTHERN NECK SURVEYS.	
		In register's office,	292
		NORTH, (FENTON G.)	
		Petition of Charlotte county relative to him,	274

Reported on,	297	OFFSETS.	
Recommitted,	311, 312	Resolution to amend laws relating to	
Bill concerning him, (No. 487,)	384	offsets,	52
Read twice, to be engrossed,	467	OHIO COUNTY.	
Laid on table,	493	Petition to establish five separate elec-	
NORTHUMBERLAND COUNTY.		tions,	35
Resolutions relative to Wilmot proviso,	440	Separate election established, (bill No.	
NORTHWESTERN TURNPIKE.		241,)	417
Resolution for macadamizing it,	45	Bill concerning district public schools,	
Bill making a further appropriation		(No. 161,)	156
thereto, (No. 486,)	384	Read first time,	294
Read twice, to be engrossed,	467	Amended and to be engrossed,	309
Passed,	493	Passed,	321
Amended and passed by senate,	498	Passed by senate,	333
Amendments agreed to by house,	498	Petition to authorize levy on sheep,	335
NORTHWESTERN VIRGINIA		Reported on,	377
INSTITUTION.		Laid on table,	469
Resolution for its incorporation,	354	See <i>Woolgrowers</i> .	
Laid on table,	454	Petition for a road from Short creek to	
NOTES.		Wheeling, West Liberty and Bethany	
Resolution to repeal act against passing		turnpike,	141
small notes,	38	Leave to withdraw petition of citizens	
See <i>Banks</i> .		relative to road from Wheeling to	
NOTICES.		Clarksburg,	42
Resolution relative to the extent to		Again presented,	42
which <i>lis pendens</i> operates as no-		OHIO RIVER.	
tice to purchasers,	65	See <i>Steamboats</i> .	
Resolution to define manner of giv-		OHIO, (STATE.)	
ing notice to try rights of prop-		Governor transmits refusal to deliver	
erty before a justice of the peace,	129	up fugitive from justice,	440
Reported on,	147	Printed. Doc. No. 81.	
Laid on table,	289	See <i>Fishing</i> .	
NOWLIN, (Captain.)		OLD COURTHOUSE AND ABING-	
See <i>Cavalry</i> .		DON TURNPIKE.	
O		Bill to incorporate company, (No. 39,)	84
OATHS.		To be engrossed,	96
Members qualified,	3	Passed,	99
Committee of privileges to examine		ORANGE AND ALEXANDRIA	
oaths of members, (rule 32,)	8	RAILROAD.	
Reported on,	366, 367	Petition to amend charter of company,	43
Bill to authorize clerks to administer		Resolution to amend charter,	177
oaths, (No. 170,)	158	Bill therefor, (No. 217,)	186
Read first time,	294	Amendment offered; to be printed,	312
To be engrossed,	312	Read first time,	326
Passed,	321	Amended and to be engrossed,	386
ODD FELLOWS.		Passed; vote recorded,	411
Petition to hold real estate in Lynch-		Bill to authorize Alexandria to sub-	
burg,	335	scribe to its stock, (No. 130,)	143
Laid on table,	483	Read first time,	293
See <i>Franklin Lodge of Odd Fellows</i> .		To be engrossed,	305
See <i>Adelphi Lodge</i> .		Passed,	309
OFFICERS.		Passed by senate,	437
See <i>Sheriffs</i> .		Resolutions to transfer to it money ad-	
OFFICERS OF COMPANY F.		vanced by state to erect public build-	
Their petition for pay and rations,	62	ings at Washington,	133
OFFICERS OF 116TH REGIMENT.		Printed. Doc. No. 40.	
Petition to train in regiment,	151	See <i>Alexandria</i> .	
Laid on table,	270	ORDER.	
OFFICERS OF 135TH REGIMENT.		Question as to who entitled to speak	
Petition to change time of training,	57	when standing or rising from seat,	610, 611
OFFICERS OF 179TH REGIMENT.		Mr. Goodson's statement; withdrawn,	612
Committee discharged and laid on ta-		See <i>Questions</i> .	
ble,	259	ORDERS OF DAY.	
OFFICERS OF VOLUNTEERS.		When to be considered, (rule 13,)	5
Resolution to vote them swords,	85	When entitled to precedence, (rule 13,)	5

ORDINARIES.

Resolution for repealing law imposing fine for dieting without license,	34
Bill to amend act concerning them, (No. 183,)	162
Read first time,	295
Laid on table,	312
To be engrossed,	417
Passed,	420

ORDNANCE.

See <i>Madison Mining and Trading Company.</i>	
See <i>Pacific Mining and Trading Company.</i>	

ORLEANS AND SALEM TURNPIKE.

Bill to incorporate it, (No. 404,)	297
Read twice; to be engrossed,	464
Passed,	478
Passed by senate,	495

ORPHAN ASYLUMS.

See <i>Alexandria Female Orphan Asylum.</i>	
See <i>Lynchburg Female Orphan Asylum.</i>	

OVERSEERS OF POOR.

Resolution relative to election of overseers of poor in Scott county,	93
---	----

OYSTERS.

Resolution to amend acts relating to Elizabeth City county and Warwick,	46
Bill amending act concerning them, (No. 26,)	74

Laid on table,	99
Amended and to be engrossed,	181
Passed,	184

Amended and passed by senate; laid on table,	219
Motion to postpone indefinitely,	299, 304
Laid on table,	304, 321

Motion to postpone indefinitely; vote thereon,	324
--	-----

Amendment of senate amended and agreed to,	325
--	-----

Amendment amended by senate and agreed to by house,	337
---	-----

Bill to prevent their destruction in Ware river, (107,)	131
---	-----

Read first time,	210
To be engrossed,	228
Rejected,	232

Bill to amend acts so far as Norfolk and Princess Anne counties are concerned, (No. 173,)	159
---	-----

Read first time,	294
To be engrossed,	312
Laid on table,	321

Amended by ryder and passed; title amended,	335
---	-----

Amended and passed by senate,	446
Amendments agreed to by house,	446

Resolution concerning oysters in York,	141
--	-----

Bill concerning them in York and Pocomokin rivers, (No. 194,)	176
---	-----

Read first time,	295
Laid on table,	311

Amended and to be engrossed,	335
Passed,	385

Amended and passed by senate,	446
-------------------------------	-----

Amendments agreed to by house,	446
--------------------------------	-----

Leave to bring in bill restricting catching of oysters in Mathews county,	541
---	-----

Bill brought in, (No. 527,)	541
Read thrice and passed,	541

Passed by senate,	542
In Nansemond, (bill No. 448,)	329

Read twice; amended and to be engrossed,	464
--	-----

Passed,	485
Passed by senate,	495

Amendments to Code relative thereto; vote recorded,	545, 546
---	----------

Resolution to arm citizens of Accomack to enforce laws concerning oysters,	394
--	-----

Motion to amend; vote on resolution,	394
--------------------------------------	-----

P

PACIFIC MINING AND TRADING COMPANY.

Resolution to furnish them with ordnance and arms,	278
--	-----

Indefinitely postponed; vote thereon,	278
---------------------------------------	-----

PAGE COUNTY.

Petition for a road across Blue Ridge,	133
--	-----

PAGE, (JOHN C.)

Remonstrance against appropriating money to James river improvement,	187
--	-----

PAGES.

Sergeant at arms authorized to employ them; their pay,	4
--	---

PAMUNKEY RIVER.

Resolution to incorporate company for its improvement,	157
--	-----

PAMUNKEY NAVIGATION COMPANY.

Bill to incorporate it, (No. 198,)	177
Read first time,	295

To be engrossed,	311
Reconsidered, amended and to be again engrossed,	322

Passed,	386
Passed by senate,	445

PANHAM, (CATHARINE.)

Petition of Preston county that she may remain in state,	377
Bill for her relief, (No. 490,)	393

Read twice, to be engrossed,	467
Passed,	491

PARDONS.

Governor's message relative thereto,	28
Resolution calling on governor for papers, &c., inducing pardon of John J. Johnston,	98

Communication from governor relative thereto,	102
---	-----

Doc. No. 33.	
Extra copies to be printed,	102

Resolution relative to exercise of power by executive,	214
--	-----

Bill to prevent abuse of pardoning power, (No. 364,)	273
--	-----

To be printed. Doc. No. 66.	
Amendments to Code on conferring power on executive,	532, 533

Votes thereon recorded,	532	Bill to authorize dam across Cowpasture river, (No. 42.)	84
Amendment of senate thereto; vote thereon,	569, 570	To be engrossed,	96
Action of both houses on amendment,	601, 602	Passed,	99
PARKER, (HARRY.)		Passed by senate with amendment,	176
Petition of Loudoun county to permit him to remain in state,	129	Amendment agreed to by house,	176
Bill for his relief, (No. 111.)	132	PAYNE, (M. M.) Colonel.	
Read first time,	211	Resolution to present sword to him in hall of house,	362
To be engrossed,	228	Committee to inform him of time and place of presentation of sword,	325
Passed; vote recorded,	258, 259	Senate to be informed thereof,	329
Amended and passed by senate,	334	Introduced to legislature, addressed by speaker and sword presented by governor,	339
Amendments agreed to by house,	334	PAY OF MEMBERS.	
PARKER, (STAFFORD H.)		Member successful in contested election, when entitled to pay, (rule 36.)	8
Elected register,	203	PENDLETON COUNTY.	
See Register.		Petition for a separate election,	36
PARKERSBURG AND TYGART'S VALLEY RAILROAD.		Bill to authorize separate election, (No. 23.)	74
Bill to incorporate it, (No. 314.)	233	To be engrossed,	83
Read first time,	424	Passed,	89
To be engrossed,	452	Passed by senate,	152
Passed, vote recorded,	456, 457	PENDLETON DIVISION SONS OF TEMPERANCE.	
PARRACK, (S. H.)		Petition to hold real estate,	335
Resolution to pay him for guarding a convict,	126	Laid on table,	463
Bill concerning him, (No. 261.)	212	PENDLETON, (JOHN S.)	
Read first time,	352	Voted for as governor,	60
To be engrossed,	423	PENDLETON MOUNTAIN.	
Passed,	427	Resolution for a road across the mountain,	178
Passed by senate,	454	PENDLETON MOUNTAIN ROAD.	
PARTITIONS.		Bill to provide for constructing it, (No. 263.)	212
Amendment to Code relative to partitions of lands held jointly or in common,	576	Read first time,	373
PATRICK COUNTY.		To be engrossed,	421, 422
Resolution to pay school commissioners undrawn quotas,	44	Passed,	441
Reported on,	111	Passed by senate,	460
Laid on table,	116	PENITENTIARY.	
Petition to be attached to Henry county,	69	Committee to be appointed, (rule 27.)	7
Reported on,	205	Quorum of committee, (rule 29.)	7
Acted on,	350	Committee appointed,	37
Leave to withdraw it,	160, 184	Report of committee presented,	223
Petition of J. F. Carter and others for separate election,	184	Printed. Doc. No. 57.	
Separate election; see <i>Highland County</i> , (bill No. 148.)	309	Communication from superintendent relative to the condition of institution,	107
Bill to discontinue two and establish one separate election, (No. 259.)	205	Printed. Doc. No. 35.	
Bill increasing salaries of commissioners of revenue, (No. 67.)	103	Referred,	154
To be engrossed,	105	Recommendations of governor,	20
Passed,	108	Message referred,	47, 53
Amended and passed by senate,	165	Petition of J. E. Dove to pay chaplain at penitentiary,	119
Amendment agreed to by house,	165	Resolution for moral and religious instruction to convicts,	206
PATROLS.		Reported on,	231, 367
Amendment to Code, relative to power to order patrols,	551	Superintendent to report thereon,	231
PATTERSON, (JAMES F.)		His report thereon; laid on table,	292, 293
His petition,	268	Printed. Doc. No. 69.	
Referred to committee on revision,	268	Report on resolution for a house of correction for youth,	216
PATTON, (JOHN M.)		Acted on,	357
See <i>Revisors and Revision of Code.</i>		Bill to provide for sale of lands for penitentiary, (No. 273.)	216
PAXTON, (JAMES.)		Read first time,	374
Petition for a dam on Cowpasture river,	69		

To be engrossed,	423	PETERSBURG RAILROAD.	
Passed,	442	Resolution calling on Board of public	
Amended and passed by senate,	460	works for omissions in annual report	
Amendments agreed to by house,	460	relative to James river and bay steam-	
Bill imposing fee for visiting interior		boats,	85
of penitentiary, (No. 283,)	223	Second auditor's report thereon,	96
Laid first time,	374	Laid on table,	96
Laid on table,	442	Printed. Doc. No. 10,	111
Officers elected,	203, 204	PETERSBURG AND ROANOKE	
PENN, (CHARLES B.)		RAILROAD.	
His ferry or bridge, (bill No. 350,)	266	Resolution to purchase its stock,	63
Laid first time,	425	Laid on table,	437
To be engrossed,	458	Reply of president to presidents of in-	
Passed,	475	land railroads,	212
Passed by senate,	490	Printed. Doc. No. 10.	
PENNSYLVANIA.		PETITIONS.	
Its legislation relative to slavery men-		Schedule to be made by clerk, (rule	
tioned in report of committee,	250	21,)	5
PENNSYLVANIA, MORGANTOWN		Once rejected; when and how acted	
AND BEVERLY ROAD.		on, (rule 22,)	5
Leave to bring in bill,	230	Originals to be delivered to clerk of	
Bill presented, (No. 306,)	231	house by clerks of committees,	
Read first time,	423	(rule 22,)	5
Passed,	455	Preparation of schedule discontinued,	212
Passed by senate,	459	See <i>Petitioners names under their ap-</i>	
PERSONAL PROPERTY.		<i>propriate heads.</i>	
Bill to authorize its removal from state,		PEYTON, (NANCY.)	
(No. 34,)	74	Petition for a divorce,	330
Read first time,	83	Bill divorcing her, (No. 472,)	354
Committed,	100	Read twice; to be engrossed,	466
Committee discharged,	183	Passed,	486
Amended and laid on table,	210	Passed by senate,	496
Taken up and to be engrossed,	269	PHALEN, (JAMES.)	
Passed,	274	Governor's message relative to citation	
Amended and passed by senate; laid		of state before federal court in his	
on table,	377	case,	109
Action thereon,	394, 444	PHILADELPHIA.	
Amendment to Code relative to gifts		Petition concerning wreckers,	227
where possession remains with donor,	563	PHILIPPI AND BUCKHANNON	
Amendment to Code relative to mode		TURNPIKE.	
of applying personal estates of dece-		Resolution to construct it,	39
dents; previous question; vote there-		Bill to incorporate company, (No. 213,)	185
on; and vote on amendment,	577, 578	Read first time,	326
PETERS, (ALEXANDER L.)		To be engrossed,	386
Petition for removing separate election		Passed,	412
in Halifax,	35	Passed by senate,	444
PETERSBURG.		PHILIPPI AND CLARKSBURG ROAD.	
Petition to repeal act prohibiting circu-		Resolution to construct it,	50
lation of small notes,	57	PHYSICIANS' FEES.	
Reported on,	92	Resolution to regulate them,	263
Acted on,	102	PICKETT, (GEORGE,) and others.	
Leave to withdraw petition relating to		Resolution to pay his claim for appre-	
pilots,	145	hending a convict,	118
Resolution to extend its limits,	183	PICKETT & WITHERS.	
Limits of corporation extended, (bill		Bill concerning them, (No. 102,)	128
No. 361,)	270	To be engrossed,	181
Read first time,	425	Passed,	209
To be engrossed,	463	Passed by senate,	275
Passed,	476	PIEDMONT MINING COMPANY.	
Passed by senate,	490	Petition to amend their charter,	335
See <i>Commissioners of Revenue.</i>		Bill brought in, (No. 471,)	339
PETERSBURG AND LYNCHBURG		Read twice; to be engrossed,	466
RAILROAD.		Passed,	486
Bill to incorporate company, (No. 312,)	233	Rejected by senate,	505
Read first time,	424	PIKE COUNTY.	
To be engrossed,	443	Petition to be annexed to Virginia,	216
Passed,	450	Resolution on same subject,	216
Passed by senate,	472	Reported and acted on,	226

PILOTS.		
Petition relative to their fees with-		
drawn and again referred,	80	
Committed therefor,	85	
Bill to establish and regulate fees, (No.		
232,)	191	
Read first time,	327	
Laid on table,	387	
Taken up; amendments offered,	427, 428	
Laid on table,	428	
Amendment to repeal all acts; vote		
recorded,	429	
Further amendment; vote recorded,	431	
Motion to postpone indefinitely; vote		
recorded,	431, 432	
Committed,	432	
Bill to amend act concerning pilots on		
Potomac river, (No. 329,)	238	
Read first time,	424	
Amended and to be engrossed,	450	
Passed,	473	
Passed by senate,	489	
Amendment to Code relative to their		
fees; vote thereon,	554	
Amendment relative to employment of		
pilots,	555	
PINEY RUN FACTORY.		
Bill incorporating it, (No. 31,)	74	
Read first time,	83	
To be engrossed,	89	
Passed,	96	
Passed by senate,	152	
PITCH.		
<i>See Inspections.</i>		
PITTS, (J. H.)		
<i>See Rumford Academy.</i>		
PITTSYLVANIA COUNTY.		
Petition for separate election,	100	
Reported on,	158	
Acted on,	291	
PITZER, (J. K.)		
His petition,	54	
Bill to pay him sum of money, (No. 13,)	63	
To be engrossed,	78	
Passed,	83	
Passed by senate,	161	
PLAINTIFFS.		
Resolution relative to judgments for		
defendants where accounts exceed		
that of plaintiff,	206, 207	
Reported on,	219	
Acted on,	357	
PLATE.		
Tax on gold and silver plate; vote		
thereon,	142	
POCAHONTAS COUNTY.		
Petition of William Skeen and others		
for a savings bank,	179	
POCAHONTAS SAVINGS BANK.		
Bill to incorporate it, (No. 231,)	191	
Read first time,	327	
To be engrossed,	387	
Passed,	413	
Passed by senate,	445	
POINDEXER, (NATHANIEL H.)		
His petition to be refunded money,	36	
Bill concerning him, (No. 131,)	143	
Read first time,	293	
To be engrossed,		305
Passed,		310
Passed by senate,		414
POINT PLEASANT.		
Petition to extend powers of town ser-		
geant,		42
Reported on,		84
Acted on,		89
POINT PLEASANT, (BATTLE OF.)		
Resolutions relative to monument;		
laid on table,		447
POINT PLEASANT DIVISION SONS		
OF TEMPERANCE.		
Petition of Division No. 78,		308
Laid on table,		483
POINT PLEASANT CREEK.		
Bill to declare it a public highway,		
(No. 82,)		117
Laid on table,		124
Passed,		127
Passed by senate,		156
POLK, (JAMES K.)		
Resolution to make arrangements for		
his reception by legislature,		415
Agreed to by senate,		419
Committee appointed,		419
Their report,		419
Agreed to by senate,		422
Mr. Polk received by legislature,		422
Secretary of treasury also received,		422
Resolutions expressing feelings on his		
death,		538
Agreed to by senate,		539
POOR.		
Bill amending acts relating thereto,		
(No. 337,)		260
Read first time,		425
To be engrossed,		452
Passed,		473
Passed by senate,		489
Amendments to Code relative to coun-		
ty levies for their support,		549
PORK.		
<i>See Inspections.</i>		
PORT ROYAL TOWN.		
Leave to bring in bill to amend act con-		
cerning town,		339
Bill brought in, (No. 479,)		375
Read twice, to be engrossed,		467
Passed,		491
Passed by senate,		505
PORTSMOUTH.		
Petition to connect James river im-		
provement with tidewater,		123
Petition of Samuel Watts and others		
for a manufacturing company,		142
Petition relative to purchase of Sea-		
board and Roanoke railroad,		298
<i>See Seaboard and Roanoke Railroad.</i>		
Resolution to provide for election of		
trustees,		514
Bill concerning town, (No. 524,)		520
Read twice and to be engrossed,		520
Passed,		520
Passed by senate,		522
PORTSMOUTH ARTILLERY.		
Thanks voted them for defence of Cra-		
ney island,		409

PORTSMOUTH AND CHESAPEAKE**STEAMBOAT COMPANY.**

Resolution to amend act to incorporate company,	159
Bill to amend its charter, (No. 287,)	224
Read first time,	374
To be engrossed,	443
Rejected,	449

PORTSMOUTH MANUFACTORY.

Bill to incorporate it, (No. 149,)	150
Read first time,	203
Amended and to be engrossed,	306
Passed,	310
Passed by senate,	453

POST OFFICE DEPARTMENT.

Letter from assistant postmaster general relative to mails between Warrenton springs and Alexandria,	537
--	-----

POTOMAC RIVER.

Resolution to remove obstructions to passage of fish,	65
---	----

POWELL, (HUMPHREY B.)

Petition to be allowed to purchase and hold land for a cemetery,	107
--	-----

POWELL, (JOHN.)

Petition for a deed for land bought by him at a delinquent land sale,	69
---	----

Bill concerning him, (No. 44,)	84
--------------------------------	----

To be engrossed,	96
------------------	----

Laid on table,	99
----------------	----

Passed,	124
---------	-----

Passed by senate,	152
-------------------	-----

Leave to withdraw petition,	506
-----------------------------	-----

POWELL, (PAULUS.)

Resigns his seat as member,	514
-----------------------------	-----

POWELL'S RIVER.

Resolution to provide for examination of it,	103
--	-----

Bill for its survey, (No. 315,)	233
---------------------------------	-----

Read first time,	424
------------------	-----

To be engrossed,	452
------------------	-----

Sec Bridges.**POWHATAN COUNTY.**

Petition for extension of James river and Kanawha canal,	69, 208
--	---------

Resolution to annex it to second circuit,	213
---	-----

Bill therefor, (No. 265,)	214
---------------------------	-----

To be engrossed,	263
------------------	-----

Passed,	269
---------	-----

Passed by senate,	280
-------------------	-----

PRAYER.

Resolution to open proceedings with prayer; motion to amend,	91
--	----

Motion to lay on table; vote recorded,	91
--	----

Amendment submitted,	94
----------------------	----

Motion to lay on table; vote,	94, 95
-------------------------------	--------

Amendment rejected; vote,	95
---------------------------	----

Further amendments,	95
---------------------	----

Resolution agreed to,	95
-----------------------	----

Resolution to make opening house with prayer a standing rule,	354
---	-----

Resolution for fixing day for thanksgiving and prayer,	230, 257, 258
--	---------------

Motion to adjourn to keep day set apart therefor; vote,	639
---	-----

By Rev. John Johns,	
---------------------	--

97, 122, 140, 149, 280, 306, 453, 488	
---------------------------------------	--

--	--

--	--

--	--

--	--

--	--

--	--

--	--

--	--

--	--

--	--

--	--

By Rev. Leroy M. Lee,	100, 124, 224, 427
-----------------------	--------------------

By Rev. Moses D. Hoge,	
------------------------	--

102, 152, 158, 165, 514, 515, 520	
-----------------------------------	--

By Rev. Edward Kingsford,	
---------------------------	--

104, 185, 195, 377	
--------------------	--

By Rev. Thomas V. Moore,	
--------------------------	--

106, 155, 161, 168, 515, 517, 522	
-----------------------------------	--

By Rev. Adam Empie,	
---------------------	--

109, 135, 146, 275, 301, 472, 481	
-----------------------------------	--

By Rev. Almon Gage,	
---------------------	--

110, 128, 232, 237, 259, 265, 270, 271	
--	--

By Rev. H. B. Cowles,	114, 215, 414, 437
-----------------------	--------------------

By Rev. George Woodbridge,	
----------------------------	--

117, 143, 284, 296, 459, 495	
------------------------------	--

By Rev. J. L. Reynolds,	175, 190
-------------------------	----------

By Rev. J. S. Reynoldson,	354
---------------------------	-----

By Rev. Martin T. Sumner,	182, 199, 393
---------------------------	---------------

By Rev. Jacob Manning,	205, 228, 419, 444
------------------------	--------------------

By Rev. Penfield Doll,	212
------------------------	-----

By Rev. Philip Courtney,	219, 525
--------------------------	----------

By Rev. J. Parsons Hovey,	313, 329
---------------------------	----------

By Rev. Halsey Dunning,	319, 323
-------------------------	----------

By Rev. Stephen Taylor,	327, 331
-------------------------	----------

By Rev. James Sowden,	333
-----------------------	-----

By Rev. J. B. Jeter,	337, 384, 504
----------------------	---------------

PREACHERS.

Resolution to grant use of library to those who open house of delegates with prayer,	127
--	-----

PRESENTMENTS.

Resolution to require a concurrence of 16 grand jurors to find presentment,	46
---	----

PRESIDENT OF UNITED STATES.

Resolution relative to returns of election,	166
---	-----

Governor's response thereto,	214
------------------------------	-----

Laid on table,	214
----------------	-----

Referred,	223
-----------	-----

Committee announced,	224
----------------------	-----

Laid on table,	483
----------------	-----

Resolution for arrangements to receive James K. Polk by legislature,	415
--	-----

Agreed to by senate,	419
----------------------	-----

Committee appointed,	419
----------------------	-----

Their report,	419
---------------	-----

Mr. Polk and secretary of treasury received by legislature,	422
---	-----

Resolutions on death of James K. Polk, late president,	538
--	-----

Agreed to by senate,	539
----------------------	-----

PRESTON COUNTY.

Petition for road from German settlement to Beverly and Fairmont turnpike,	77
--	----

Petition for separate election,	155
---------------------------------	-----

Bill to authorize separate election, (No. 241,)	196
---	-----

Read first time,	351
------------------	-----

Amended and to be engrossed,	414
------------------------------	-----

Passed; title amended,	417
------------------------	-----

Passed by senate,	445
-------------------	-----

Report on petition for new county presented,	354
--	-----

Laid on the table,	363
--------------------	-----

Petition that Catherine Panham may remain in state,	377
---	-----

See Panham, (Catharine.)	
--------------------------	--

Petition to incorporate Fellowsville, Laid on table, PRESTON, (JAMES F.) Voted for as governor, PRESTON, (JOHN.) Leave to withdraw petition, PRESTON, (WILLIAM B.) Voted for as governor, PREVIOUS QUESTION. Called and sustained, Refused on Lynchburg and Tennessee railroad; vote recorded, Sustained on passage of same bill; vote, Sustained on resolution to postpone day for adjourning; vote thereon, Refused on laying on table resolution for adjournment to other place than Richmond; vote recorded, Sustained on motion for recess, Sustained on engrossing bill concern- ing Code, part II, On amendment to Code relative to mode of applying decedents' per- sonal estate, Called on engrossing bill concerning Code of Virginia, part IV; vote thereon, Sustained on amendment to Code relative to ties in elections, Rule that it shall not be debated, Sustained on amendment to Code re- lative to payment of jurors by county levy, Called on amendment of senate to Code relative to appointment of state directors in works of internal improvement; vote recor- ded, Sustained on amendment relative to appointment of inspectors by go- vernor, PRIMARY SCHOOLS. Resolution to apportion school fund, Reported on, Laid on table, Bill providing for support of primary and district free schools, (No. 516.) Read twice and to be engrossed, Passed, Passed by senate, PRINCE EDWARD COUNTY. Report on petition of millers; laid on table, PRINCE GEORGE COUNTY. Petition to change separate election, Bill therefor, (No. 411.) Read first time, To be engrossed, Passed, Amended and passed by senate, Amendments agreed to by house, PRINTER, (PUBLIC.) Resolution fixing day for election, Agreed to by senate, Elected, Resignation of Samuel Shepherd,	377 483 60 145 62 376 389 392 479, 480 519 523 555 577 598 600 607 611 635 640 115 135 209 446 446 457 482 469 278 301 324 416 420 453 454 47 54 62 275	Resolution to fill vacancy of Samuel Shepherd, Agreed to by senate, Election made; William F. Ritchie elected, PRINTING. Documents how to be printed and bound, (rule 38,) Resolution relative to printing and distributing reports, laws and documents, Laid on table, Printed. Doc. No. 31. Resolution relative to preparation and distribution of printed documents, Amended and agreed to, Clerk of house required to have prin- ted copies of act changing time of holding circuits for 19th and 20th circuits, Agreed to by senate, Acts and sketches of session to be prin- ted and distributed, Number of bills to be preserved by clerk of house, Agreed to by senate, Resolution authorizing public printer to make provision for transmitting printing to and from Fauquier springs, Amendments to Code to be furnished by clerk of house, and printed, Agreed to by senate, See <i>Publication of Code</i> . See <i>Records</i> . PRINTING RECORDS. Reported on by committee, PRIVATE ENTERTAINMENT. Resolution for repealing law imposing fine for dieting without license, PRIVILEGES AND ELECTIONS. Cases of privilege to be examined by committee, (rule 33,) Committee to be appointed, (rule 27,) Quorum of committee, (rule 29,) Duty prescribed, (rules 32, 33,) To elect and discharge their clerk, (rule 28,) Committee appointed, PRIVY EXAMINATION. Amendment to Code relative thereto by married women acknowledging deeds, As to number of justices therefor, PROCEEDINGS AT RULES. Resolution concerning such proceed- ings reported on, Laid on table, PROPERTY OF MARRIED WOMEN. Leave to bring in bill to protect it, Bill brought in, (No. 336,) Read first time, Referred to committee on revision, See <i>Married Women</i> . PROPERTY, (PERSONAL.) See <i>Personal Property</i> . See <i>Rights of Property</i> .	261 283 283, 284 8 87 87 378 379 416 454 497, 498 498 505 527 667 673 367 34 8 6 7 7, 8 7 32 574 574 393 469 277 280 426 463
---	--	---	---

PROPERTY, (STATE.)	
Recommended by governor to be sold,	20
Referred,	123
Bill therefor, (No. 163,)	156, 294, 306 310, 331

PROPOSITIONS AND GRIEVANCES.	
Committee to be appointed, (rule 27,)	6
Quorum of committee, (rule 29,)	7
To elect and discharge their clerk, (rule 28,)	7
Committee appointed,	32
Clerk of committee discharged,	453
PROSECUTIONS.	
Resolution relative to limitations of prosecutions,	73
Reported on,	83
Acted on,	94

PROXIES.	
See <i>James River and Kanawha Company.</i>	

PRYOR, (THEODORICK.)	
Petition for conveyance of real property,	42

PUBLICATION OF CODE.	
Leave to bring in bill therefor,	653
Bill brought in, (No. 531,)	655
Read twice and to be engrossed,	655
Laid on table,	662
Engrossment reconsidered; amended and again ordered to be engrossed,	664
Passed,	676
Passed by senate with amendments,	677
Amendments agreed to by house,	677

PUBLIC DEBT.	
See <i>Debt, (Public.)</i>	

PUBLIC GROUNDS.	
Governor communicates contract for sale of part,	102
Doc. No. 34.	

PUBLIC LANDINGS.	
Resolution to report bill No. 487 relative to public landings,	120
See <i>Landings.</i>	

PUBLIC LANDS.	
Resolution to receive Virginia's quota arising from sale of public lands,	53
Laid on table,	53

PUBLIC OFFICERS.	
Resolution relative to the preparation and distribution of their reports,	378
Amended and agreed to,	379

PUBLIC REVENUE.	
See <i>Revenue, (Public.)</i>	

PULASKI COUNTY.	
Resolution for separate election,	85, 119
Reported on,	111
Acted on,	112
Reconsidered and recommitted,	119
Bill for a separate election, (No. 108,)	131
Read first time,	210
Amended and to be engrossed,	227
Passed; title amended to embrace Jefferson and Rappahannock,	258
Passed by senate,	306

PUNISHMENTS.	
See <i>Crimes and Punishments.</i>	

PURCHASERS.	
See <i>Notices.</i>	
PUTNAM COUNTY.	
Petition to change the boundary line of county,	36
Reported on,	224
Laid on table,	359
Leave to withdraw petition relative to boundary of county,	445
Resolution to change time of holding county court,	128
Resolution to change a separate election,	49
Reported on,	158
Acted on,	291
Separate election. See <i>Highland County</i> , (bill No. 147,)	309
Petition to incorporate Buffalo academy,	335

Q

QUALIFICATIONS.	
Members qualified,	3
Their oaths to be examined by committee, (rule 32,)	8
Their report,	296
Acted on,	366, 367
Of Robert M. Hudson as member,	331

QUARANTINE.	
Leave given to introduce bill to amend act relating to vessels on Ohio river,	126
Committee appointed,	126
Bill presented, (No. 99,) read and to be engrossed,	126
Passed,	130
Passed by senate,	132

QUESTIONS.	
Once determined; not debateable, (rule 5,)	4
Conduct of members when speaker propounds questions, (rule 6,)	4
Members not to vote on questions when interested, (rule 7,)	4
All to vote when present, (rule 8,)	4
How decided, (rule 9,)	4
Ayes and noes on; how called, (rule 12,)	5
Division of house; how required,	5
In order to call for ayes and noes after affirmative put; appeal from decision; decision affirmed; vote recorded,	382

QUORUM.	
Of house, (rule 9,)	5
Of committees, (rule 29,)	7
Not present,	444, 529, 561, 658, 660, 661

QUOTAS.	
See <i>School Quotas.</i>	

R

RAILROADS.	
Governor's message,	11 to 16
Resolution to construct a railroad from Buchanan to Tennessee line,	38
See <i>Buchanan and Roanoke Railroad.</i>	

Resolution relative to report of engineer on most eligible route for railroad from James river to Tennessee line, to be printed, 144
 Printed. Doc. No. 45.
 See *Lynchburg and Tennessee Railroad*.
 See *James River and Roanoke Railroad*.
 Resolution to construct a railroad on state account from Covington to Ohio river, 38
 See *Covington and Ohio Railroad*.
 See *Charleston and Ohio Railroad*.
 Use of hall allowed Asa Whitney for address on railroads, 207
 Resolutions relative to Asa Whitney's plan of railroad from Atlantic to Pacific, 230
 Committee appointed, 230
 Their report, 233
 Printed. Doc. No. 61.
 Amendment to report, 258
 Report and amendment acted on, 260, 261
 Substitute therefor proposed, 261
 Resolution and substitute postponed indefinitely; vote recorded, 262, 263
 Resolution to construct one from Alexandria to Calf Pasture, on the Staunton and Parkersburg road, 186
 Report of committee on governor's message relative to Richmond and Danville railroad, 260, 261
 Resolution for survey of railroad from New Market to Parkersburg, 206
 Bill therefor, (No. 271,) 215
 Read first time, 374
 To be engrossed, 423
 Passed, 442
 See *Holiday's Cove Railroad*.
 See *Fishing Creek and Monongahela Railroad*.
 Resolution to compel attendance of witnesses before commissioners of railroads, 178
 Bill therefor, (No. 199,) 182, 295, 355, 356, 386, 445
 Resolution for a railroad from Petersburg to Lynchburg, 84
 See *Petersburg and Lynchburg Railroad*.
 Resolution for one from Lynchburg to the Seaboard and Roanoke railroad, 100
 See *Norfolk and Western Railroad*.
 See *Seaboard and Roanoke Railroad*.
 See *Alexandria and Harrisonburg Railroad*.
 See *Alexandria and Harper's Ferry Railroad*.
 See *Little's Falls Railroad*.
 See *Southside Railroad*.
 See *Louisa Railroad*.
 See *Orange and Alexandria Railroad*.
 See *Appomattox Railroad*.
 See *Chesterfield Railroad*.
 See *Blue Ridge Railroad*.
 See *Fredericksburg and Blue Ridge Railroad*.
 See *Richmond and Pamunkey Railroad*.
 See *Richmond and Ohio Railroad*.
 See *County Subscriptions*.

RANDOLPH COUNTY.

Leave to withdraw remonstrance and petition for new county, 77
 Again presented, 77
 Reported on, 313, 354
 Laid on table, 362, 363
 Petition for a separate election, 36
 Bill therefor, (No. 9,) 59
 Read first time, 67
 To be engrossed, 78
 Passed, 82
 Passed by senate, 146
 Petition to construct a road from Hunter's to Lewisburg, 35, 58
 Petition for a road from German Settlement to the Beverley and Fairmont turnpike, 77
 Petition for a road from Petersburg to Beverley, 117
 Reported on, 266
 Laid on table, 369
RAPID ANN MINING COMPANY.
 Resolution to incorporate it, 183
 Bill therefor, (No. 226,) 190
 Read first time, 326
 To be engrossed, 387
 Passed, 413
 Amended and passed by senate, 446
 Amendments agreed to by house, 446
RAPPAHANNOCK COMPANY.
 Petition for an additional loan to complete its improvement, 42
 Bill for its relief, (No. 400,) 285
 Read twice, to be engrossed, 464
 Laid on table, 473
RAPPAHANNOCK COUNTY.
 Petition for separate election, 167
 Separate election authorized, (bill No. 108,) 258
 Also (bill No. 349,) 417
 And (bill No. 378,) 276
 Laid on table, 463
RAPPAHANNOCK RIVER.
 See *Blackwell, (William.)*
RATCLIFFE, (ROBERT.)
 His petition, 268
 Bill concerning him, (No. 421,) 307
 Read twice, to be engrossed, 465
 Passed, 485
RAYMOND, (SARAH A.)
 Petition for a divorce, 47
 Bill divorcing her, (No. 15,) 67
 Read first time, 67
 To be engrossed, 78
 Passed, 83
 Passed by senate, 182
REAL ACTIONS.
 Resolution to amend act limiting real actions, 328
 Reported on, 354
 Laid on table, 359
 See *Limitations*.
REAL ASSETS.
 Resolution relative thereto, 197
 Bill amending act concerning administration of real assets, (No. 254,) 205
 Read first time, 302

To be engrossed,	423
Passed,	427
REAL PROPERTY.	
Of state recommended by governor to be sold,	20
Referred,	107
Bill therefor, (No. 163.)	156, 294, 306, 310, 331
RECESSES.	
Resolution for recess of senate,	54
Laid on table,	54
Agreed to by house,	66
Resolution to take recess at Christmas,	98
Motion to have recess daily,	314, 430, 437
Resolution taken up and house adjourned pending its consideration; vote recorded,	459
Motion to take recess 12th June agreed to; vote recorded,	528
Motion for an evening session June 18; vote recorded,	537, 538
RECORDS.	
Clerk not to permit them to be taken from his possession, (rule 17.)	5
Change recommended in printing,	367
Bill to amend act for printing court of appeals records, (No. 327.)	238
To be engrossed,	452
Laid on table,	464
Bill reviving second section of act for printing records, (No. 328.)	238
To be engrossed,	452
Laid on table,	472, 473
RECTOR COLLEGE.	
Resolution for an appropriation to college,	39
Petition from Taylor county to endow college,	51, 55, 77, 104
Acted on,	291
RED OAK ACADEMY.	
Bill to incorporate it, (No. 85.)	122
To be engrossed,	127
Passed,	130
Passed by senate,	149
RED SWEET SPRINGS ROAD.	
Resolution for road to James river,	197
REEDY SPRING ACADEMY.	
Resolution to amend charter of academy,	132
Bill to incorporate it, (No. 185.)	162
Read first time,	295
To be engrossed,	311
Passed,	323
Passed by senate,	333
REGIMENTAL MUSTERS.	
See <i>Musters</i> .	
REGISTER.	
Committee on his office, (rule 27.)	7
Quorum of committee, (rule 29.)	7
Committee appointed,	37
Their report,	183
Acted on,	291, 292
His report communicated by governor,	23
Resolution for his election,	167
Agreed to by senate,	182
Election made,	203
REGISTRATION OF CHILDREN.	
Recommendation of auditor referred,	107

RELIGIOUS ASSEMBLIES.	
Resolution to provide for their protection,	93
Bill therefor, (No. 144.)	149
Read first time,	293
To be engrossed,	312
Laid on table,	314
REMLEY, (JOSEPH.)	
Petition to be compensated for a stand of colours allowed to be withdrawn,	268
Again presented,	268
Bill concerning him, (No. 422.)	307
Read twice; to be engrossed,	465
Passed,	485
REMOVAL OF LEGISLATURE.	
See <i>Adjournment</i> .	
Mode of voting prescribed in fixing on place for meeting,	524
REMOVAL OF PROPERTY.	
Bill authorizing transfer or removal of personal property from state, (No. 34.)	74
Read first time,	83
Committed,	100
Committee discharged,	183
Amended and laid on table,	210
Taken up, amended and to be engrossed,	269
Passed,	274
Amended and passed by senate; laid on table,	377
Amendment amended by house and agreed to,	394
Action of senate,	444
RENTS.	
Resolution to amend act on that subject,	134
Amendment to Code relative thereto,	591
REPLEVIN.	
Resolution to amend act on the subject,	134
REPORTERS.	
Allowed seats in hall,	33
Resolution directing them to be furnished with reports of revisors,	517
REPORTS.	
Resolution to furnish clerks with Virginia reporters,	196
Reported on,	219
Acted on,	357
Resolution to print and distribute reports and documents,	87
Laid on table,	87
Printed. Doc. No. 31.	
REPORTS OF COMMITTEES.	
Committees to be called daily for reports, (rule 46.)	9
REPORTS OF COMPANIES.	
Resolution relative to their preparation and distribution,	378
Amended and agreed to,	379
REPRESENTATION.	
Resolution for re-apportionment,	166
Laid on table,	166
RETURNS OF ELECTIONS.	
Committee of privileges to examine them, (rule 32.)	8
Their report,	296
Acted on,	365

REVENUE.

Stated by governor,	10, 11
Comparative view of auditor's revenue table for 1846, '7 and '8,	31
Report of committee thereon,	59
Printed. Doc. No. 27.	
Bill appropriating it, (No. 126,)	140
Read first time,	211
Order of day,	286
Amended and to be engrossed,	455
Passed,	462
Passed by senate,	489
Resolution to divide counties into small revenue districts and compel persons to render taxable lists,	191, 192

REVISION.

Resolution to appoint joint committee on revision,	41
Committee appointed,	52
Amended and agreed to by senate,	48
Committee authorized to appoint clerk,	48
Resolution to distribute report of Civil Code among members,	50, 64, 143, 147
Further report of revisors,	143
Report of committee,	199
Printed. Doc. No. 53.	
Amendments by committee reported,	233
Printed. Doc. No. 60.	
Recommendations of committee for adjourned session therefor,	220, 221, 222
Votes thereon,	222
Bill to pay clerk and committee on revision, (No. 453,)	330
Read first time,	337
Indefinitely postponed,	355
Leave to bring in another bill therefor,	355
Resolution fixing pay of clerk of committee on revision,	375
Agreed to by senate,	414
Report of committee on second volume of report of revisors,	446
Printed. Doc. No. 60.	
Resolution continuing joint committee during recess of legislature,	446
Agreed to by senate,	460
See <i>Code of Virginia</i> .	
Resolution directing librarian to furnish reporters with reports of revisors,	516
Final report of revisors presented,	520
Clerk of committee discharged,	572

REVISORS OF CODE.

Their report on Criminal Code presented,	564
Referred to committee on revision,	564
Leave to bring in bill to compensate revisors for completing Code,	661
Bill brought in, (No. 532,)	661
Read twice and to be engrossed,	661
Amended by ryder and passed,	664
Passed by senate with amendments,	666
Action by house thereon,	666
Final action of senate thereon,	672, 673
Resolution requiring them to prepare abstract of changes in laws and have them published,	667
Laid on table,	667

REVOLUTIONARY CLAIMS.

Resolution to obtain satisfaction from congress for military claims,	267
Agreed to by senate,	290
Resolution authorizing Thomas Green to collect moneys due to state from general government,	661

REYNOLDS, (J. L.)

Prayer by him,	175, 190
----------------	----------

REYNOLDSON, (JOHN S.)

Prayer by him,	354
----------------	-----

RHODE ISLAND.

Acts of legislature quoted for protection of personal liberty,	250
RHODES, (HOLDEN,) and others.	
Petition to incorporate Manchester bridge company,	155

RICHARDSON, (WILLIAM H.)

Elected secretary of commonwealth and librarian,	203, 204
See <i>Secretary of Commonwealth</i> .	
See <i>Librarian</i> .	
Letter relative to his conduct and and course as librarian,	565, 567
Laid on table,	567

RICHMOND CITY.

Petition to extend jurisdiction of justices in city,	34, 81
Reported on,	48
Bill concerning jurisdiction of mayor's court, (No. 90,)	194
To be engrossed,	130
Passed,	180
Amended and passed by senate; amendments agreed to by house,	337
Petition to restore called courts,	223
See <i>Criminal Prosecutions</i> .	
Petition for a guarantee of the bonds of the James river and Kanawha company,	42
Petition concerning pilots,	332
Leave to withdraw petition relating to pilots,	145
Petition to incorporate New York and Richmond steam navigation company,	447
Memorial against incorporating steam navigation company,	438
Resolution to prohibit erection of wooden buildings,	93
Reported on,	153
Acted on,	287
Petition to open a street in front of the armory,	308
Resolution to enquire into health of city; committee appointed,	515
Their report presented and laid on table,	515, 516
Second report presented and laid on table,	520
RICHMOND AND DANVILLE RAILROAD.	
Commented on by governor,	15
Referred,	65
Committee therefor,	66
Their report,	223
Acted on,	260, 261

To connect with Lynchburg and Tennessee railroad,	387	Bill relative to company, (No. 394,)	285
Vote thereon,	388, 389	Read twice, to be engrossed,	463
RICHMOND FAYETTE ARTILLERY.		Rejected,	479
Resolution to furnish them with carbines,	273	Motion to reconsider; rejected,	492
Postponed indefinitely by senate,	331	RICHMOND TEMPERANCE ASSEMBLY.	
RICHMOND, FREDERICKSBURG AND POTOMAC RAILROAD.		Their petition,	136
Commented on by governor,	12, 16	Reported on,	313
Resolution referring part of governor's message relative to union with other companies,	92	Laid on table,	363
Resolution to purchase its stock,	63	RICH PATCH TURNPIKE.	
Laid on table,	437	Bill to incorporate company, (No. 303,)	228
Resolution calling for omission in their report,	93	Read first time,	423
Second auditor's report thereon,	98	To be engrossed,	451
Laid on table,	98	Passed,	457
Second auditor's report printed,	111	Passed by senate,	482
Doc. No. 10.		RICKS, (EDWIN.)	
Reply to communication of H. D. Bird presented and printed, (Doc. No. 10,)	127	Petition to release state's right to land in Southampton,	192
Answer to memorial of George Taylor and others presented,	324	Bill therefor, (No. 257,)	205
Printed. Doc. No. 74.		Read first time,	352
RICHMOND INSURANCE COMPANY.		To be engrossed,	423
Petition concerning pay of wreckers,	227	Passed,	427
RICHMOND MEDICAL COLLEGE.		Rejected by senate,	454
Bill to suspend interest on loans, (No. 307,)	232	RIGHT OF ENTRY.	
Read first time,	423	Resolution to amend act limiting real actions and right of entry,	328
To be engrossed,	451	Reported on,	354
Reconsidered, amended and again engrossed,	455	Laid on table,	359
Laid on table,	473	RIGHTS OF PROPERTY.	
Rejected; vote recorded,	474	Resolution relative to notices to try rights of property,	129
RICHMOND AND OHIO RAILROAD.		Reported on,	146, 147
Leave to bring in bill to incorporate company,	378	Laid on table,	289
RICHMOND AND PAMUNKEY RAILROAD.		RIGHT OF SUFFRAGE.	
Resolution to report bill relative thereto,	56	Resolution to extend it,	72
Bill for a subscription to it, (No. 249,)	199	Committee discharged,	327
Read first time,	352	RITCHIE COUNTY	
Substitute submitted; to be printed,	352	Resolution to repeal act authorizing county court to assess taxes to finish Harrisville turnpike,	65
Amended and to be engrossed,	418	Remonstrance against new county of Wood, Ritchie and Tyler,	269
Made order of day,	421	Laid on table,	483
Rejected; vote recorded,	432	RITCHIE, (WILLIAM F.)	
RICHMOND AND PETERSBURG RAILROAD.		Elected public printer,	283, 284
State and private vote mentioned by governor,	15, 16	RIVANNA NAVIGATION COMPANY.	
Resolution referring part of governor's message relative to union with other companies,	92	Petition relative to their improvement,	110
Resolution to purchase its stock,	63	Bill concerning it, (No. 244,)	196
Laid on table,	437	Read first time,	352
Reply to communication of H. D. Bird presented and printed, (Doc. No. 10,)	127	To be engrossed,	414
Communication from president of company in answer to communication of N. M. Martin,	146	Passed,	418
Printed. Doc. No. 10.		Passed by senate,	445
See <i>Lyons, (James.)</i>		RIVES, (WILLIAM C.)	
		Voted for as governor,	60, 61
		ROACH, (JOSHUA P.)	
		Resolution for making him a deed for delinquent land,	183
		Reported on,	233
		Laid on table,	359
		ROADS.	
		Resolution for a road from forks of Sandy to Kanawha turnpike,	40, 113
		Bill therefor, (No. 103,)	128
		To be engrossed,	181
		Passed,	209
		Passed by senate,	459

ROANOKE NAVIGATION COMPANY.		ROGERS, (JOHN C.)	
Resolution to report bill No. 123 of last session,	144	Resolution to allow his claim for teaching,	79
Laid on table,	461	Acted on,	290
ROBERTSON, (THOMAS.)		ROGERS, (WILLIAM B.)	
Resolution authorizing division of his estate,	144	Geological survey; laid on table,	454
ROBINETT, (ISAAC.)		ROOMS.	
Resolution to convey to him certain delinquent lands,	121	See <i>Fauquier White Sulphur Springs.</i>	
Reported on,	313	ROSSET, (JOHN D. D.)	
Laid on table,	362	Petition to refund him money,	88
ROBINSON, (CLARA.)		Reported on,	307
Petition to remain in state,	93	Laid on table,	365
Bill for her relief, (No. 154,)	153	Petition for a branch bank,	167
Read first time,	294	ROSS, (CHARLES.)	
To be engrossed,	306	Petition for compensation as commissioner of revenue,	69
Passed,	310	RUCKER, (WILLIAM.)	
ROBINSON, (CONWAY.)		Petition for a divorce,	416
See <i>Revisors of Code and Revision.</i>		Bill divorcing him, (No. 504,)	419
ROBINSON, (JAMES HENRY.)		Read twice, to be engrossed,	468
Petition for a divorce,	200	Passed,	492
Leave to withdraw petition,	438	RUCKMAN, (JOHN H.)	
ROBINSON, (THOMAS.)		Petition for further time for clerks to make deeds for delinquent lands sold,	355
Bill for distribution of his real estate, (No. 276,)	219	RULES.	
Read first time,	374	Adopted for government of house,	4 to 9
To be engrossed,	431	Requiring schedule of petitions rescinded,	212
Passed,	442	New rule that previous question is not debateable,	607
Amended and passed by senate,	460	To prohibit counsel discussing before committees,	225
Amendments agreed to by house,	460	Postponed indefinitely,	225
ROCKBRIDGE COUNTY.		Resolution concerning proceedings at rules reported on,	393
Resolution to change time of circuit superior court,	116	Laid on table,	469
Bill changing circuit court day, (No. 101,)	128	RULE DAYS.	
Committed,	181	Resolution to amend law relative to rule days of circuit courts,	332
Reported with amendment,	277	RUMFORD ACADEMY.	
To be engrossed,	285	Resolution to furnish arms for students,	415
Passed,	304	Agreed to by senate,	445
Passed by senate,	319	RUNAWAY SLAVES.	
Motion to bring in bill changing circuit courts,	597	Report of Mr. Faulkner relative to fugitive slaves,	238 to 257
Laid on table,	597	Resolutions attached to report adopted,	257
Resolution taken up, and bill to change time of holding courts brought in, (No. 528,)	652	Amendment to Code relative to rewards for apprehending runaways,	574, 591
Read, amended and passed; title amended,	652	RUPLE, (JOSEPH C.)	
Petition relative to Staunton and James river turnpike,	119, 120	Petition for separate election in Marshall,	304
Petition to allow clerks specific salary,	223	RUSSELL OLD COURTHOUSE ROAD.	
ROCKINGHAM COUNTY.		Resolution to amend act relative thereto,	66
Petition relative to free negroes,	213	S	
Reported on,	224	SALARIES.	
Laid on table,	358	Committee discharged from part of message relative to governor,	63
Petition to establish a separate election at Bridgewater,	117	Resolution to refer it to special committee,	64
Laid on table,	362	Agreed to by senate,	71
Separate election; see <i>Highland County</i> , (bill No. 148,)	309	Committee appointed,	71
Petition relative to road across North mountain to Moorfield,	333	Bill reported, (No. 20,)	72
ROCKY MOUNT SAVINGS BANK.		Postponed indefinitely; vote recorded,	72
Resolution for its incorporation,	303		

Resolution to increase salary of first clerk in treasury office,	91	See <i>Citizens Savings Bank.</i>	
Bill to increase salary of first clerk in treasury office, (No. 162,)	156	See <i>Rocky Mount Savings Bank.</i>	
Read first time,	294	SCHEDULE.	
To be engrossed,	306	Rule requiring it rescinded,	212
Passed,	310	SCHOOL BOOKS.	
Amended and passed by senate,	444	Governor recommends them to be uniform,	26
Amendment agreed to by house,	445	SCHOOL COMMISSIONERS.	
See <i>Second Clerk in Auditor's Office.</i>		Resolution allowing them to fix day for their meetings,	303
SALEM.		Bill concerning their annual meetings, (No. 438,)	319
Petition for an act of incorporation,	320	Read twice; to be engrossed,	465
Laid on table,	483	Passed,	485
SALE OF REAL PROPERTY.		Amendment to Code relative to their election and term of office,	542
Governor recommends state property to be sold,	20	SCHOOL COMMISSIONERS OF JEFFERSON.	
Referred,	123	Petition to amend act incorporating board,	36
SALES OF LANDS.		SCHOOL COMMISSIONERS OF PATRICK.	
Resolution to receive Virginia's quota arising from sale of public lands,	53	Resolution to pay them undrawn quotas,	44
Laid on table,	53	Reported on,	114
SALES.		Laid on table,	116
Resolution to require from commissioners of sales bond and security,	46	SCHOOL QUOTAS.	
See <i>Commissioners of Sales.</i>		Resolution to authorize their application in Alexandria to Lancasterian and female free school,	109
SALT.		Bill relative to school quota of Alexandria, (No. 78,)	114
See <i>Inspections.</i>		To be engrossed,	121
SAMUELS, (GREEN B.)		Passed,	123
Voted for as governor,	60	Resolution relative to forfeiture of school quotas,	163
SANCHO CREEK.		Bill to regulate the forfeiture of undrawn quotas, (No. 188,)	169
Petition of Tyler to declare it highway,	235	Read twice; to be engrossed,	286
Public highway, (bill No. 443,)	323	Passed,	305
Read twice; to be engrossed,	466	Passed by senate,	328
Passed,	485	Resolution to apportion school fund,	115
Passed by senate,	496	Reported on,	135
SANDY RIVER.		Laid on table,	209
Resolution for surveying it and defraying cost thereof,	278	Leave to bring in bill to apportion them between Appomattox and Campbell,	313, 314
Reported on,	301	Bill brought in, (No. 439,)	319
Laid on table,	369	Read twice; to be engrossed,	465
See <i>Fishing.</i>		Passed,	485
SANKAY, (RICHARD D.)		Passed by senate,	504
Petitions to provide new editions of Revised Code and Hening's Justice,	58	Bill authorizing part of school quotas of Frederick to be applied to a school at Middletown, (No. 305,)	229
Committee discharged and laid on table,	185	Read first time,	423
SAUNDERS, (EDWARD W.)		To be engrossed,	443
Petition to sell property of Martha Watts,	104	Passed,	450
SAVINGS BANK.		Passed by senate,	460
Resolution to incorporate savings bank of Wheeling,	134	SCHOOLS.	
Bill therefor, (No. 338,)	260	Resolution to refer part of governor's message relative to uniform school books for schools,	57
Read first time,	425	Laid on table,	70
To be engrossed,	452	Resolution to amend law concerning free schools in Norfolk,	178
Passed,	473	See <i>Norfolk City.</i>	
Passed by senate,	482	Bill concerning free school system in Henry, (No. 68,)	103
SAVINGS INSTITUTIONS.		To be engrossed,	105
See <i>Blacksburg Savings Institution.</i>			
Resolution to establish savings bank at Union, in Monroe,	186		
Petition from Bedford county,	235		
See <i>Franklin Savings Bank.</i>			
See <i>Pocahontas Savings Bank.</i>			
See <i>Suffolk Savings Bank.</i>			
See <i>Hardy County Savings Bank.</i>			
See <i>Farmers, Planters and Mechanics Savings Bank.</i>			
See <i>Abingdon Savings Bank.</i>			

- Passed,** 108
Passed by senate, 153
Recommendations of second auditor referred, 107
 Report of auditor relative to registration of children to be educated, 107
Also relative to duties and pay of county superintendents of schools, 107
Resolution to apportion school fund among counties in proportion to indigent children, 115
Reported on, 135
Laid on table, 209
 See Alexandria Female Free School.
 See District Public Schools.
 See Primary Schools.
 See District Free Schools.
 See Jefferson Free Schools.
 See Virginia Armory School.
 See Virginia Military Institute.
SCHOOLS AND COLLEGES.
 Committee to be appointed, (rule 27,) 6
 Quorum of committee, (rule 29,) 7
 To appoint and discharge their clerk, (rule 28,) 7
 Committee appointed, 32
 Their duty prescribed, (rule 34,) 8
 Clerk of committee discharged, 461
SCOTT COUNTY.
 Resolution relative to election of overseers of poor, 93
 SCOTT, (JOHN,) Judge.
 His communication declining to take his seat in special court of appeals, 49
 To be printed. Doc. No. 26.
SCOTTSVILLE.
 See Banks.
 SCOTT, (WILLIAM A.)
 His petition contesting election of George W. Kyle, 32
 Reported and acted on, 272
 SCOTT, (WILLIAM A.) Captain.
 Letter in relation to claim of Lieut. Astrop, 213, 214
 See Astrop, (Robert F.)
SEABOARD AND ROANOKE RAILROAD.
 Bill concerning debt of Portsmouth on account of purchase of road, (No. 444,) 323
 Read twice; to be engrossed, 466
 Passed; vote recorded, 486
 Amended and passed by senate, 496
 Amendments agreed to by house, 496
SEALS.
 See Blamire, (Edward T.)
SEAMAN'S FRIEND SOCIETY.
 Petition of Norfolk society, 282
 Printed. Doc. No. 63.
SEATS.
 Privileged seats to be assigned in hall, (rule 15,) 5
 Resolution to draw for seats in hall, 39
 Motion to amend, 39
SECOND AUDITOR.
 See Auditor, (Second.)
 Transmits communication of James Lyons relative to Richmond and Petersburg railroad, 166
 Printed. Doc. No. 10.
 Resolution to create a new office, and separate it from superintendent of Literary fund, 178
SECOND CLERK IN AUDITOR'S OFFICE.
 Resolution to increase his salary, 355
SECRETARY OF COMMONWEALTH.
 Resolution for his election, 167
 Agreed to by senate, 182
 Election made, 203, 204
 Chapter on library and duties of secretary in lieu of chapter in new Code, referred to committee on revision, 338
 See Librarian.
SECRETARY OF TREASURY.
 Received by legislature; addressed by speaker and responded thereto, 422
SEEDS.
 Resolution to regulate measuring grain and seeds, 281
 Bill regulating their weight, (No. 513,) 437
 Read twice, to be engrossed, 468
 Laid on table, 494
SEELY, (JOHN M.)
 Leave to withdraw his papers, 187
 His petition, 268
 Bill concerning him, (No. 402,) 296
 Read twice, to be engrossed, 464
 Amended and passed, 480
 Resolution calling for advice of council on his claim, 415
 Furnished by council, 422
 Printed. Doc. No. 77.
 Documents presented, 427
SEINES.
 Resolution to amend acts concerning hauling seines in Elizabeth City county, 34
 Bill to amend act to prevent hauling seines, (No. 1,) 41
 Read first time, 51
 To be engrossed, 54
 Passed, 58
 Passed by senate, 71
SELECT COMMITTEES.
 Number to form quorum, (rule 29,) 7
 Of what number composed, (rule 31,) 7
SELLEM, (JOHN H.)
 Petition to sell estate of an idiot, 108
SELLEM, (JOHN D.)
 Bill for his relief, (No. 145,) 149
 Read first time, 293
 To be engrossed, 306
 Passed, 310
 Passed by senate, 331
SEMINARIES.
 See Fincastle Female Seminary.
SENATE.
 Messages to claim precedence, (rule 13,) 5
 Seats to be assigned in hall, (rule 15,) 5
 Messages between clerks how interchanged, (rule 20,) 6
 Resolution for recess of senate, 54
 Laid on table, 54
 Agreed to by house, 66

SEPARATE ELECTIONS.

Resolution to change a separate election in Putnam,	49	In Highland, (bill No. 95,)	125, 130, 181, 205
Reported on,	158	Resolution for one in Pulaski,	85, 119
Acted on,	291	In Pulaski, (bill No. 108,)	131, 210, 227, 258, 306
See Putnam County.		In Sussex, (bill No. 115,)	135, 211, 265, 269, 306
Resolution for one in Taylor county,	75	In Dinwiddie, (bill No. 116,)	135, 211, 265, 269
Reported on,	313	At M'Clung's mill in Highland, Albemarle and Putnam, (bill No. 147,)	150, 293, 305, 309, 328
Laid on table,	361, 483	At Crab Bottom in Highland, Rockingham and Patrick, (bill No. 148,)	150, 293, 306, 308, 309, 328
Resolution for election in Wood county, at Martin Butcher's house,	118	Changed in Lewis, (bill No. 193,)	176, 311, 323, 333
Reported on,	313	In Wirt, (No. 236,)	196, 351, 414, 418, 459
Laid on table,	362	In Wirt, (No. 239,)	196, 351, 414, 417, 460
Resolution for election at Willis Leech's, in Wood county,	118	In Doddridge, (No. 240,)	196, 351, 414, 417
Reported on,	313	In Preston, (No. 241,)	196, 351, 414, 417, 445
Laid on table,	361	In Roanoke, (No. 267,)	215, 374, 423, 442, 460
Resolution to change election in town of Glenville,	141	In Caroline, (No. 268,)	215, 374, 423, 442, 484
Bill therefor, (No. 266,)	215, 373, 423, 442, 454	In Lewis, (No. 269,)	215, 374, 423, 442, 460
Resolution to change separate election in Botetourt,	166	In Highland, at M'Dowell's, (No. 308,)	233, 423
Bill therefor, (No. 379,)	276, 426, 462, 477	In Albemarle, (No. 309,)	233, 423
Resolution for election in Smyth,	178	In Mathews, (No. 286,)	441, 450, 459
Bill therefor, (No. 332,)	259, 424, 452, 473, 490	Bill defining duties of officers conducting precinct elections, (No. 252,)	204, 352
Resolution to establish one election and remove another in Marshall county,	281	Bill concerning them in Patrick, (No. 259,)	205
Bill therefor, (No. 449,)	329, 466, 487, 496	In Clarke, (bill No. 331,)	259, 424, 451, 473, 482
Petition relative to a separate election in Hancock; acted on,	178, 179	In York, (bill No. 483,)	384, 467, 491, 505
Resolution to establish two in Logan,	66	At Edmondson's store in Mecklenburg, (bill No. 500,)	415
Two authorized in Logan, (bill No. 333,)	259, 425, 451, 473, 482	In Rappahannock, (bill No. 349,)	417
Resolution to change one in Boone,	80, 81	In Bath, (bill No. 239,)	417
Changing one in Boone, (bill No. 334,)	259, 425, 451, 473, 482	In Fairfax, (bill No. 239,)	417
Petition for separate election in Pittsylvania,	100	In Ohio, (bill No. 241,)	417
Reported on,	158	In Monongalia, (bill No. 241,)	417
Acted on,	291	In Rappahannock changed, (bill No. 378,)	276, 426, 463
In Barbour, (bill No. 6,)	58, 67, 78, 82, 146	In Monongalia, (bill No. 380,)	276, 463
In Fairfax, (bill No. 7,)	58, 67, 78, 82, 149	In Harrison, at Jesse Hall's, (bill No. 381,)	276, 426, 463, 478
Resolution to change one in Lewis,	53	In Prince George, (bill No. 411,)	301, 416, 420, 453, 454
In Lewis, (bill No. 8,)	58, 67, 78, 82, 149	In Frederick, at Brucetown, (bill No. 432,)	313, 465, 495
In Randolph, (bill No. 9,)	59, 67, 78, 82, 146		
In Fairfax, (bill No. 21,)	73, 83, 88, 149	SEERGEANT AT ARMS.	
In Tyler, (bill No. 22,)	73, 83, 89, 163	Daniel Ward appointed,	4
Resolution to change separate election in Wirt,	134	Authorized to employ pages,	4
In Wirt, (bill No. 23,)	74, 83, 89, 149		
In Pendleton, (bill No. 24,)	74, 83, 89, 152	SEERGEANTS.	
In Franklin, (bill No. 25,)	74, 83, 89, 146	Resolution to increase compensation to sergeant of Lynchburg,	273
In Mason, (bill No. 32,)	84, 96, 99, 155	Bill concerning sergeant of Lynchburg, (No. 336,)	260
In Shenandoah, (bill No. 50,)	92, 101, 104, 108, 149	Read first time,	425
In Cabell, (bill No. 51,)	92, 101, 104, 108, 156	To be engrossed,	473
In Mercer, (bill No. 73,)	111, 116, 121, 149	Passed,	489
Resolution concerning them in Fayette,	75	Passed by senate,	489
In Fayette, (bill No. 74,)	111, 116, 121, 307		
In Culpeper, (bill No. 75,)	111, 116, 125, 130, 149		
In Braxton, (bill No. 93,)	125, 180, 199		
In Wythe, (bill No. 94,)	125, 180, 181, 199		

Bill concerning sergeant of Lynchburg, (No. 430,) 313	SHERIFFS.	
Read twice, to be engrossed, 465	Resolution to require them to take charge of the estates of lunatics, 177	
Passed, 485	Resolution requiring them to take oaths not to violate act against circulation of small notes, 302	
SET-OFFS.	Indefinitely postponed; vote recorded, 302, 303	
Bill concerning them, (No. 191,) 176	Amendments to Code relative to dama- ges recoverable against officers on judgments on motions, 542	
Read first time, 295	SHINN, (STEPHEN.)	
Laid on table, 312	Petition relative to tobacco trade of Alexandria, 110	
Amended and referred to committee on revision, 497	SHOOTING.	
SHADES.	Resolution relative to malicious shoot- ing, &c., 163	
Resolution to provide transparent shades for hall, 92	SHOT.	
SHANKS, (JAMES.)	Resolution to provide shot and shells for service; laid on table, 480	
Petition for change of dividing lines between counties of Botetourt, Al- leghany and Monroe, 157	SHORT CREEK TURNPIKE.	
Reported on, 313	Bill to incorporate it, (No. 396,) 285	
Laid on table, 362, 363	Read twice, to be engrossed, 464	
SHANNON AND BLUFFS ROAD.	Rejected, 479	
See <i>Roads.</i>	SIGHT DRAFTS.	
SHARON CEMETERY COMPANY.	Resolution to enquire what grace should be allowed, 86	
Bill to incorporate it, (No. 134,) 147	Bill prohibiting allowing grace on them, (No. 187,) 162	
Read first time, 293	Read first time, 295	
To be engrossed, 306	Laid on table, 312	
Passed, 310	SILVER PLATE.	
Amended and passed by senate, 331	Tax on it; vote thereon, 142	
Amendments agreed to by house, 331	SIMMONS, (SAMUEL S.)	
SHEEP.	Resolution to pay him for services as adjutant, 33	
Bill to amend act for protecting them in Loudoun, (No. 512,) 43	Bill concerning him, (No. 79,) 114	
Read twice, to be engrossed, 468	To be engrossed, 121	
Passed, 492	Passed, 123	
Passed by senate, 505	Passed by senate, 190	
Bill more effectually to protect them in Wythe county, (No. 152,) 150	SISTERSVILLE AND SALEM TURNPIKE.	
Read first time, 294	Resolution to complete it, 38	
Passed, 310	Bill to complete it, (No. 177,) 159	
Amended and passed by senate, and amendments agreed to by house, 331	Read first time, 294	
SHELLS.	Order of day, 309	
Resolution to provide shot and shells for service; laid on table, 480	To be engrossed, 322	
SHENANDALE COLLEGE.	Passed; vote recorded, 382	
Bill incorporating trustees, (No. 204,) 182	Passed by senate, 453	
Read first time, 295	SKEEN, (WILLIAM.)	
Laid on table, 312	Petition for a savings bank, 179	
Passed, 323	SKELTON, (WASHINGTON.)	
Passed by senate, 331	Petition to be released from a fine, 164	
SHENANDOAH COUNTY.	Bill therefor, (No. 221,) 190	
Leave to withdraw petition for a separate election, 47	Read first time, 326	
Again presented, 47	To be engrossed, 386	
Bill for separate election at Jacob's schoolhouse, (No. 50,) 92	Laid on table, 413	
Read first time, 101	Passed, 417	
To be engrossed, 104	Passed by senate, 453	
Passed, 108	SKETCHES.	
Passed by senate, 149	Of acts of session to be printed, 497, 498	
Petition relative to a road across North mountain to Moorfield, 333	Resolution requiring revisors of Code to prepare and publish sketch of changes in laws, 667	
SHENANDOAH COMPANY, (NEW.)	Laid on table, 667	
Bill for additional subscription, (No. 293,) 224		
SHEPHERD, (SAMUEL.)		
Elected public printer, 62		
His resignation as public printer, 275		

SKINNER'S ELEMENTS OF AGRICULTURE.		Resolution taken up, amended and agreed to,		76
Resolution to purchase it for schools,		Committee appointed,		76
183, 184		Report from select committee presented,		191
Motion to discharge committee ; laid on table,		Printed. Doc No. 50.		
190		Made order of day,		226
SLAVERY.		Acted on,		238 to 257
Mr. Conway's resolutions on Wilnot proviso and kindred subjects,		Agreed to by senate,		271
136, 137		Resolution to make owner and not hirer pay taxes on slaves,		86
Joint committee to be appointed ; vote thereon,		Laid on table,		365
138		Resolution for removal of emancipated slaves,		134
Amendment of Mr. Syme,		Resolution for preventing slaves from going at large and hiring their own time,		134
138		Resolution to take from courts power to permit emancipated slaves to remain in state,		145
Resolution for joint committee,		Reported on,		146
138		Resolution to introduce bill concerning emancipation of slaves,		274
Amended and agreed to by senate,		Bill to prevent emancipation except in certain cases, (No. 377,)		276
140		Read first time,		426
Committee appointed,		Referred to committee on revision,		463
140		Resolution to tax slaves under twelve years,		129
Mr. Syme's resolution ordered to be referred,		Laid on table,		129
142		Amendments to Code relative to pardoning them and commuting their punishment,		533
Report of joint committee presented,		Amendment to Code relative to selling liquor to slaves,		556, 557
145, 146		Amendment relative to permitting them to hire themselves out,		556, 573
Taken up ; substitute offered by Mr. Syme,		Amendment relative to suits for freedom ; vote thereon,		556, 557
148, 152		Amendment relative to rewards for apprehending runaways,		574, 591
Resolution relative to interference with institution of slavery,		Amendment to Code relative to gifts where possession remains with donor,		563
150		Amendment to Code relative to distress or levy upon slaves ; vote recorded,		633, 634
Discussed,		155, 158, 161, 165, 168		
Amendments offered,		161		
Reported on,		156		
Resolution to terminate debate ; laid on table,		163		
Second resolution to stop debate,		169		
Motion to amend,		169		
Previous question called,		169		
Motion to lay on table ; negatived ; vote recorded,		169, 170		
Previous question on amendment ; amendment agreed to,		170		
Report of joint committee inserted on journal,		171, 172		
Amendment proposed by Mr. Thomas,		172		
Negatived ; vote recorded,		173, 174		
Amendment of Mr. Syme ; negatived ; vote recorded,		174		
Motion of Mr. Watson to amend ; vote thereon,		174, 175		
Question on report of committee ; previous question called and sustained ; vote recorded,		175		
Motion to print report ; negatived,		175, 183		
Resolutions agreed to by senate,		182		
Resolution of Mr. Yerby, containing proceedings of people of Northampton,		170		
Laid on table,		170		
Acted on,		288		
Resolutions of Florida,		214		
Printed. Doc. No. 55.				
Resolutions of Wisconsin relative to slavery and the slave trade,		432, 433		
Laid on table,		434		
Resolution to return to Wisconsin their resolutions ; vote recorded,		434		
SLAVES.				
Governor's message,		22, 23, 24		
Transportation of condemned slaves,		24		
Resolution relative to action of congress concerning the recapture of runaways,		64		
		SLOPES.		
		See Davis's Dam.		
		SMALL NOTES.		
		Resolution to repeal act against passing small notes,		38
		Resolution authorizing banks to issue small notes,		38
		Report laid on table,		68
		Bill authorizing them, (No. 58,)		92
		Read first time,		101
		To be engrossed,		105
		Laid on table,		108, 161
		Motion to postpone ; vote,		281
		Amended ; vote recorded,		282, 283
		To be engrossed ; vote,		283
		Passed ; vote,		286
		Rejected by senate,		387
		SMELTING COMPANIES.		
		See Albemarle and Nelson Mining Company.		

SMITH, (D. BOYD.)		Read first time,	326
Petition to incorporate Marion railway company,	35	To be engrossed,	387
SMITH, (HENRY.)		Passed,	413
Bill for sale of land devised to his daughter, (No. 322.)	237	Passed by senate,	445
Read first time,	424	SONS OF TEMPERANCE.	
To be engrossed,	452	See <i>Temperance</i> .	
Passed,	462	SOULE, (ISAAC.)	
Passed by senate,	481	Petition to invest circuit courts with power to decree sale of real estate,	47
SMITH, (HUGH.)		Reported on,	74
Petition relative to claims against Fauquier and Alexandria turnpike,	179	Laid on table,	81
SMITH, (JABEZ.)		Recommitted,	227
Petition to incorporate a manufacturing company,	136	SOUTHALL, (V. W.)	
SMITH, (JOHN L.)		Voted for as governor,	60
Petition to be paid for tuition of poor children,	208	SOUTHAMPTON COUNTY.	
Reported on,	219	Petition for separate election,	214
Acted on,	357	Laid on table,	483
SMITH, (J. MORISON.)		SOUTH CAROLINA.	
Petition relative to taxing agencies of insurance societies,	94	Report and resolutions upon Wilmot proviso communicated by governor,	276
Reported on,	135	To be printed. Doc. No. 67.	
Acted on,	211	SOUTHSIDE RAILROAD.	
SMITH, (THOMAS,) and others.		Resolution for amending charter,	177
Petition relative to pilots,	208	Bill therefor, (No. 290,)	224
SMITH, (WILLIAM.)		Read first time,	374
Communication from him replying to one from Judge Baker; laid on table,	271	To be engrossed,	442
To be printed. Doc. No. 52.		Amended; motion to postpone indefinitely; vote thereon,	448
Extra copies to be printed,	271	Bill passed; vote recorded,	448, 449
SMITHFIELD, CHARLESTOWN AND HARPER'S FERRY TURNPIKE.		Passed by senate,	472
Petition to change location of road,	127	SOUTHSIDE AND RIVANNA CON-SECTION.	
Bill concerning company, (No. 291.)	224	See <i>James River and Kanawha Company</i> .	
Read first time,	374	SOUTHWESTERN AND ATLANTIC TELEGRAPH COMPANY.	
To be engrossed,	443	Resolution to incorporate it,	157
Passed,	449	Bill to incorporate it, (No. 499.)	415
SMITH'S RIVER NAVIGATION COMPANY.		Read twice, amended and to be engrossed,	464
Resolution to amend charter of company to authorize subscription by state,	257	Passed,	491
Bill therefor, (No. 464.)	334	Passed by senate,	505
Read twice; to be engrossed,	466	SOUTHWESTERN RAILROAD.	
Passed,	485	Resolution to construct it from Buchanan to Tennessee line,	38
Passed by senate,	496	SOUTHWESTERN ROAD.	
SMYTH COUNTY.		Resolution to connect it with Valley road,	44
Resolution for separate election,	178	Resolution to suspend operations,	98
Bill to change separate election, (No. 332.)	259	Resolution requiring Board of public works to suspend execution of contract for completing road,	416, 417
Read first time,	424	Made order of day,	417
To be engrossed,	452	Resolution relative to the contracts for completing road,	420
Passed,	473	Resolution for suspending contracts laid on table,	428
Passed by senate,	490	Answer of Board of public works relating to the contracts for completion of road,	429
SMYTH, (HAROLD.)		Printed. Doc. No. 78.	
Resolution to present him a sword; committee appointed,	263, 264	Taken up; motion to lay on table; vote recorded,	435
SNALE, (THOMAS.)		Amendment offered; vote recorded,	435, 436
Petition to be allowed pay for revolutionary services,	57	Resolution as amended rejected; vote thereon,	436
Reported on,	162	Further resolution to suspend work,	439
Acted on,	290		
SNELLINGS, (GEORGE W.)			
Resolution to refund money to him,	166		
Bill concerning him, (No. 225.)	190		

Motion to postpone it indefinitely; vote recorded,	439	Resolution to change time of holding the circuit superior court,	117
Amended and adopted; vote recorded,	439, 440	Bill to change superior court, (No. 100,)	186
Agreed to by senate,	454	To be engrossed,	181
SOWDEN, (JAMES.)		Passed,	209
Prayer by him,	333	Amended and passed by senate,	275
SPEAKER.		Amendments agreed to by house,	275
Henry L. Hopkins elected; vote,	3	SPOTTSYLVANIA GOLD MINE COMPANY.	
How to recognize members, (rule 3,)	4	Resolution to incorporate it,	183
May call member to chair, (rule 14,)	5	Bill therefor, (No. 229,)	190
To assign privileged seats, (rule 15,)	5	Read first time,	327
To examine journals, (rule 18,)	5	To be engrossed,	387
To appoint standing committees, (rule 27,)	6, 7	Passed,	413
How to decide questions, (rule 37,)	8	Amended and passed by senate,	453
To declare who elected on joint votes, (rule 44,)	9	Amendments agreed to by house,	454
To call committees for reports, (rule 46,)	9	SPRING DIVISION SONS OF TEMPERANCE.	
Rule suspended to allow him to call member to chair,	100	Petition for incorporation,	415
Decides in order to call ayes and noes after affirmative vote taken; appeal from decision; decision affirmed; vote,	382	Laid on table,	483
His decision affirmed on question as to who entitled to speak when standing, or rising from seat,	610, 611	SPRING HILL MANUFACTURING COMPANY.	
Mr. Goodson's statement relative thereto, withdrawn,	612	Resolution to incorporate it,	115
Thanks voted him,	677	Bill therefor, (No. 164,)	156
SPECIAL COURT OF APPEALS.		Read first time,	294
Resolution to provide compensation for them,	97	To be engrossed,	306
Bill concerning it, (No. 65,)	103	Passed,	310
To be engrossed,	105	Amended and passed by senate,	334
Passed,	108	Amendments agreed to by house,	334
Amended and passed by senate,	153	STABBING.	
Amendment agreed to by house,	153	Resolution relative to malicious shooting and stabbing,	163
Report of revisors recommending bill to establish special courts, to be printed,	109	STACK, (JOHN J.)	
Printed. Doc. No. 36.		Petition to be paid for teaching poor children,	47
See <i>Appeals</i> , (Court of.)		Reported on,	143
SPEECHES.		Laid on table,	290
Resolution to limit debate to half hour,	355	STAGES.	
Amendment proposed,	355	Resolution to establish line between Louisa railroad and White Sulphur springs,	53
Indefinitely postponed,	355	Reported on,	233
Members confined to fifteen minutes,	434	Laid on table,	359
Motion to extend time to Mr. Thomson of Jefferson; vote recorded,	594	Leave to bring in bill incorporating a company to run line of stages from Charlottesville to Guyandotte,	492
Question as to who entitled to speak when standing or rising from seat,	610, 611	See <i>White Sulphur Stage Company</i> .	
Mr. Goodson's statement withdrawn,	612	See <i>Corington Bridge</i> .	
SPENCER, (MARTIN S.)		STATE.	
Petition for compensation as commissioner of revenue,	69	Amendment to Code relative to words "state" and "commonwealth,"	535
SPENCER, (WILLIAM B.)		STATE DIRECTORS.	
Motion to bring in bill for his divorce; laid on table,	652	See <i>Joint Stock Companies</i> .	
SPOTTS, (JAMES C.)		STATE PROPERTY.	
Elected storekeeper of penitentiary,	204	Recommended by governor to be sold,	20
See <i>Storekeeper of Penitentiary</i> .		Referred,	107, 123
SPOTTSYLVANIA COUNTY.		Bill therefor, (No. 163,)	156, 294, 306, 310, 331
Remonstrance against extension of corporate limits of Fredericksburg,	167	STAUNTON.	
		Leave to withdraw plat and survey of town,	378
		STAUNTON AND JAMES RIVER TURNPIKE.	
		Resolution to revive act authorizing county court of Augusta to subscribe for stock of company,	303
		Bill to increase its capital, (No. 242,)	196

Read first time,	351, 352
Amended and to be engrossed,	414
Passed,	418
Passed by senate,	445
STAUNTON AND PARKERSBURG ROAD.	
Resolution to macadamize parts of road,	46
Bill to provide for macadamizing it, (No. 264.)	212
Read first time,	373
To be engrossed,	423
Passed,	442
Passed by senate,	459
Resolution for constructing bridges across Valley river and Felix's creek,	41
See <i>Bridges</i> .	
Bill for bridge across Polk creek, (No. 344.)	266
Read first time,	425
To be engrossed,	452
STAUNTON AND WINCHESTER ROAD.	
Resolution for a macadamized road from Staunton to Buchanan, connecting with Valley road,	44
STEAMBOATS.	
Bill to amend act relative to claims against owners of boats on Ohio river, (No. 142.)	149
Read first time,	293
Rejected,	330
STEAMBOAT COMPANIES.	
See <i>Chesapeake Steamboat Company</i> .	
See <i>Portsmouth and Chesapeake Steamboats</i> .	
See <i>Baltimore, Norfolk and Petersburg Steamboat Company</i> .	
See <i>Fredericksburg and Blue Ridge Steamboat Company</i> .	
See <i>Fredericksburg Steamboat Company</i> .	
STEAM PACKET COMPANY.	
See <i>Maryland and Virginia Steam Packet Company</i> .	
STENOGRAPHERS.	
Seats to be assigned them in hall,	33
STOCKS, (BANK.)	
Message of governor relative to its sale, referred,	75
STOREKEEPER OF PENITENTIARY.	
Resolution for his election,	167
Agreed to by senate,	182
Election made,	204
STRIDERIAN MANUFACTORY.	
Petition to change name of company,	180
Bill changing its name, (No. 230.)	191
Read first time,	327
To be engrossed,	387
Passed,	413
Passed by senate,	453
STUART, (A. H. H.)	
Voted for as governor,	60
STUART, (A. H. H.) and others.	
Petition for removal of free negroes,	416
STUART, (BILLY.)	
Leave to withdraw petition,	378
STUDENTS.	
See <i>University</i> .	

SUBPCENAS.	
How sued out against members, (rule 39.)	8
Resolution to authorize clerks of courts to issue subpoenas for witnesses in criminal cases,	41, 115
Reported on,	146
Laid on table,	289
SUBSCRIPTIONS BY STATE.	
Resolution to amend act prescribing general conditions for subscription to joint stock companies,	57
Laid on table,	461
Resolution requiring that they should not be paid in state bonds but in cash,	436
Agreed to,	440
Resolution that they be forfeited by companies if state is not represented in directory when location of improvement is made; laid on table,	483
Amendment to Code relative to appointments of state directors in works to which state subscribes; votes thereon,	634, 635, 636
See <i>County Subscriptions</i> .	
SUDLEY MILLS.	
Resolution for their re-assessment,	303
See <i>Mackall, (Richard C.)</i>	
SUFFOLK COUNTY.	
Petition to incorporate a savings bank,	36
SUFFOLK SAVINGS BANK.	
Bill to incorporate it, (No. 14.)	63
To be engrossed,	78
Passed,	83
Passed by senate,	165
SUFFRAGE, (RIGHT OF.)	
Resolution to extend it,	72
Resolution to impose taxes to qualify voters,	79
Reported on,	190
Amendment to tax bill to be printed,	117
Amendment to tax bill offered,	189
Amendment to tax bill; votes thereon,	193, 194, 195
Further action on amendment,	197
Further votes,	198
SUITS AGAINST CORPORATIONS.	
Resolution to amend law concerning,	184
Bill amending act regulating suits against corporations, (No. 209.)	185
Read first time,	295
Amended and to be engrossed,	366
Passed,	412
Amended and passed by senate,	446
Amendments agreed to by house,	446
Bill concerning non-resident parties to suits, (No. 210.)	185
Read first time,	295
To be engrossed,	386
Passed,	412
Passed by senate,	454
SUITS AGAINST STATE.	
Resolution to repeal or amend act relative to limitations to claims and suits against the state,	97

SUITS.			
Resolution to amend laws to give judgments for defendants where account exceeds that of plaintiffs,	206,	207	
Reported on,		219	
Acted on,		357	
SUITS FOR FREEDOM.			
Amendment to Code relative thereto ; vote recorded,	556,	557	
Action of both houses on amendments to Code relative thereto ; votes recorded,	657,	658	
SULLIVAN, (E. M.)			
Petition of J. Hannah to change her name,		438	
SUMMERS, (GEORGE W.)			
Voted for as governor,	60,	61, 62	
SUMNER, (MARTIN T.)			
Prayer by him,	179,	182, 393	
SUPERINTENDENT OF GUARD.			
Resolution to unite office with that of chief engineer,		191	
SUPERINTENDENT OF LITERARY FUND.			
Resolution to separate office from that of second auditor,		178	
Laid on table,	437,	454	
SUPERINTENDENT OF PENITENTIARY.			
Resolution for his election,		167	
Agreed to by senate,		182	
Election made,		203	
His communication relative to the condition of the penitentiary,		107	
Printed. Doc. No. 35.			
Report referred,		154	
On religious and moral instruction of convicts ; laid on table,	292,	293	
Printed. Doc. No. 69.			
SUPERINTENDENTS OF SCHOOLS.			
Second auditor's report relative to their duties and pay ; referred,		107	
SUPERINTENDENT VIRGINIA MILITARY INSTITUTE.			
Plan for trigonometrical survey of state presented,		429	
Printed. Doc. No. 79.			
SUPREME COURT OF UNITED STATES.			
<i>See Phalen, (James.)</i>			
SURVEYORS.			
Resolution to authorize county courts to appoint one for each county,		191	
Bill to amend act changing tenure of office, (No. 255.)		205	
Read first time,		352	
To be engrossed,		423	
Passed,		427	
Amended and passed by senate,		454	
Amendments agreed to by house,		454	
SURVEYORS OF ROADS.			
Amendment to Code relative to assignment of hands for working roads,		554	
SURVEYS.			
Resolution for surveying North fork of Holston river and also South fork,		44	
Bill therefor, (No. 41.)		84	
To be engrossed,		96	
Laid on table,		99	
Passed,		100	
Resolution for publishing geological survey,		51	
Resolution for survey of railroad from New Market to Parkersburg,		296	
Bill therefor, (No. 271.)		215	
Read first time,		374	
To be engrossed,		423	
Passed,		442	
Rejected by senate,		482	
Resolution for surveying Sandy river and paying expense thereof,		278	
Reported on,		301	
Laid on table,		369	
Resolution for a survey of Tygart's valley river,		303	
Bill for surveying Powell's and Clinch rivers, (No. 315.)		233	
Read first time,		424	
To be engrossed,		452	
Rejected,		455	
Bill for survey of railroad from Louisa railroad to Lynchburg and Tennessee railroad, (No. 246.)		196	
Read first time,		353	
Laid on table,		418	
Amended and to be engrossed,		450	
Passed,		457	
Rejected by senate,		482	
In register's office,		292	
Amendment to Code relative to inclusive surveys of land,		560	
<i>See Coal River.</i>			
<i>See Maps.</i>			
<i>See Trigonometrical Survey.</i>			
SUSSEX COUNTY.			
Petition for a separate election,		100	
Bill therefor, (No. 115.)		135	
Read first time,		211	
To be engrossed,		265	
Passed,		269	
Passed by senate,		306	
SWAN, (JAMES.)			
Petition of J. Dis De Bar concerning certain lands,		278	
Bill for relief of his creditors, (No. 429.)		303	
Laid on table,		464	
SWEET AND SALT SULPHUR SPRINGS TURNPIKE.			
Bill to incorporate company, (No. 355.)		266	
Read first time,		425	
To be engrossed,		456	
Passed,		476	
Passed by senate,		489	
SWIFT CREEK MANUFACTURING COMPANY.			
Resolution to incorporate it,		136	
Bill to incorporate it, (No. 132.)		144	
Laid on table,		286	
SWIFT RUN GAP TURNPIKE.			
Resolution for amending its charter,		213	
Bill to renew its charter, (No. 295.)		225	
Read first time,		381	
To be engrossed,		443	

Passed,	449	TAVERN LICENSES.	
Passed by senate,	472	Resolution for repealing law imposing fine for dieting without license,	34
SWORDS.		TAVERNS.	
Resolution to vote sword to major Andrew Waggoner,	118	See Ordinaries.	
Resolution for sword to lieutenant Joseph Updegraff,	119	TAXES.	
Resolution for voting swords to all officers entitled,	119	Resolution to graduate or abolish tax on law process,	52
Committee appointed,	119	Reported on,	63, 92
Bill to present sword to F. O. Byrd, (No. 49.)	90, 96, 101, 108, 149	Acted on,	69, 102
Bill to present swords to Robert E. Lee and Francis Taylor, (No. 97.)	126	Resolution to select new subjects, and impose taxes to qualify voters,	79
To be engrossed,	130	See <i>Suffrage</i> , (Right of.)	
Bill to present sword to major Waggoner, (No. 98.)	126	Resolutions to authorize taxes to be received at elections,	166
Read second time,	130	Resolution to tax slaves under twelve years,	129
Amended and to be engrossed,	132	Resolution to make owner and not hirer pay taxes on negroes,	86
Committee increased,	124	Laid on table,	365
Resolution to designate officers and men entitled to swords,	156	Resolution to report tax bill on <i>ad valorem</i> principle,	113
Committee appointed,	156	Reported on,	135
Committee discharged therefrom,	497	Acted on,	211
Resolution to present captain Harold Smyth with a sword; committee appointed,	263, 264	Resolution for small districts, and to compel persons to render their lists in such districts,	191, 192
Resolution to present to colonel Payne sword voted him, in hall of house,	302	Bill imposing taxes, (No. 96.)	126
Committee to inform colonel Payne of time and place of presentation of sword to him,	325	Order of day,	139, 181
Senate to be informed thereof,	329	Tax on gold and silver plate; vote thereon,	142
Sword presented by governor,	329	Mr. Ferguson's amendment relative to right of suffrage; printed,	147
Voted several officers for defence of Craney island,	410	Amendments submitted,	185
See <i>Griffin</i> , (William P.)		Motion to commit with instructions; votes thereon,	188
See <i>Lee</i> , (Robert E.)		Further amendments; vote thereon,	189
See <i>Taylor</i> , (Francis.)		Motion to amend by taxing furniture; votes thereon,	193, 194, 195
SYDNOR, (JOHN.)		Further amendments,	194, 195
Petition for a company of cavalry in 84th regiment,	160	Further action on amendments; votes,	197, 198
SYME, (JOHN W.)	60	To be engrossed; vote thereon,	198
Voted for as governor,		Passed; vote recorded,	209
T		Amended and passed by senate,	384
TAR.		Amendments agreed to by house,	386
See <i>Inspections</i> .		Amendment to Code relative to taxing dividends of banks held by non-residents; votes thereon,	535, 536
TATEM, (WILLIAM.)		See <i>Delinquent Lands</i> .	
Leave to withdraw petition relative to mill dam,	218	See <i>Blamire</i> , (Edward T.)	
Again presented,	218	TAYLOR, (EDWARD T.)	
Laid on table,	362	Petition for authority to collect wharfage fees on Rappahannock river,	42
TATSAPAUGH, (JOHN.)		Bill relative to his wharf, (No. 40.)	84
Petition to be paid for goods furnished volunteers for Mexico,	157	To be engrossed,	96
Bill concerning him, (No. 384.)	280	Passed,	99
Read first time,	426	Passed by senate,	146
To be engrossed,	463	TAYLOR, (BENJAMIN F.) and others.	
Passed,	478	Petition to permit Wilson Anderson, a free negro, to remain in state,	282
TAVENNER, (THOMAS.)		TAYLOR COUNTY.	
Petition to release state's right to a tract of land,	36	Petition for an endowment to Rector college,	51, 55, 77, 104
Reported on,	63	Acted on,	291
Acted on,	68	Resolution for a separate election,	75
Referred to committee for courts of justice,	68	Petition therefor,	231
Laid on table,	182	Reported on,	313

- Laid on table, 361, 483
 Resolution calling for proceedings of council relative to justices of peace, 145
 For a turnpike; laid on table, 461
 TAYLOR, (EARLY N.)
 Petition of Richard Early to pay him for teaching, 151
 Reported on, 212
 Acted on, 351
 TAYLOR, (FRANCIS.)
 Resolution to vote him a sword, 118
 Committee thereon, 118
 Bill to present him a sword, (No. 97,) 126
 Laid on table, 130
 TAYLOR, (STEPHEN.)
 Prayer by him, 327, 331
 TAZEWELL COUNTY.
 Petition to complete road from Rich-lands to Kentucky line, 108
 TAZEWELL COURTHOUSE AND FANCY GAP ROAD.
 Bill for its construction, (No. 245,) 196
 Read first time, 352
 Amended and to be engrossed, 414
 Rejected, 418
 Motion to reconsider; negatived; vote thereon, 428
 Reconsidered; vote recorded, 492, 493
 Passed by senate, 504
 TAZEWELL DIVISION SONS OF TEMPERANCE.
 Petition for incorporation, 415
 Laid on table, 483
 TELEGRAPH COMPANIES.
 Resolution to incorporate the Kanawha salines, Charleston, Point Pleasant and Gallipolis telegraph companies, 131
See Kanawha Telegraph Company.
See Southwestern and Atlantic Telegraph Company.
See Virginia Telegraph Company.
See Western Telegraph Company.
See Winchester and Harper's Ferry Telegraph Company.
 TEMPERANCE ASSEMBLY.
 Petition to prohibit licenses for sale of spirits, 136
 Printed. Doc. No. 42.
 Reported on, 313
 Laid on table, 363
 TEMPERANCE SOCIETIES.
See Pendleton Division Sons of Temperance.
See Abner Clopton Division Sons of Temperance.
 Petition of Point Pleasant Division, No. 78, 308
 Laid on table, 483
See Spring Division Sons of Temperance.
See Tazewell Division Sons of Temperance.
See Wellsburg Division Sons of Temperance.
 Petition to incorporate Wellsburg society, 179
 Reported on, 259
 Laid on table, 360
- Petition to incorporate them in Wheeling, 68
 Wheeling Sons; reported on, 259
 Laid on table, 369
 TENANTS IN COMMON.
See Partitions.
 TERRAPINS.
 Amendment to Code relative to oysters and terrapins; vote thereon, 545, 546
See Oysters.
 THANKS.
 Voted Lieut. Lynch for Khaisi calves, 307
 Voted to officers, &c. who defended Craney island, 409
 Voted to officers and soldiers of Portsmouth artillery company for defence of Craney island, 409
 Voted to officers and seamen of the Constellation for same defence, 409
 Voted speaker, 677
 THANKSGIVING.
 Resolution for fixing day for thanksgiving, 230, 257, 258
 Motion to adjourn to keep day; vote, 639
 THOMAS, (ELIAS.)
See Pitzer, (J. K.)
 THOMASSON, (JOHN P.)
 Petition to be paid as commissioner of revenue, 197
 Bill concerning him, (No. 407,) 297
 Passed by senate, 495, 504
 THOMPSON, (GEORGE W.)
 Voted for as governor, 60, 61, 62
 THOMPSON, (JOHN W.)
 His death announced; resolutions thereon, 271
 Committee to attend his remains, 271
 Writ of election to supply vacancy, 271
 THORNROSE CEMETERY COMPANY.
 Bill to incorporate it, (No. 135,) 147
 Read first time, 293
 To be engrossed, 306
 Passed, 310
 Amended and passed by senate, and amendments agreed to by house, 331
 THORNTON'S GAP TURNPIKE.
 Resolution to modify its charter to construct section to Kelly's mill, 56
 Bill to amend its charter, (No. 356,) 266, 267
 Read first time, 425
 To be engrossed, 458
 Passed, 476
 Passed by senate, 489
 TIDBALL, (JOSIAH,) Ex'ors.
 Petition to refund money to them, 151
 Bill concerning them, (No. 281,) 220
 Read first time, 374
 To be engrossed, 431
 Passed, 442
 Passed by senate, 460
 TIMBER.
 Resolution to amend act concerning burning it, 187
 TOBACCO.
 Resolution to prevent manufacturers from using each others brands, 227

Brands of one manufacturer not to be used by another, (bill No. 362,)	270
Read first time,	425
To be engrossed,	462
Passed,	476
Passed by senate,	495
Bill concerning trade in Alexandria, (No. 91,)	125
To be engrossed,	130
Passed,	180
Amended and passed by senate,	331
Amendments agreed to by house,	331

TOWNS.

See <i>Clarksburg</i> .
See <i>Charleston</i> .
See <i>Hampton</i> .
See <i>Marion Town</i> .
See <i>Martinsburg</i> .
See <i>Charlottesville</i> .
See <i>Bridgewater Town</i> .
See <i>Norfolk City</i> .
See <i>Petersburg</i> .
See <i>Lewisburg</i> .
See <i>Darkeville</i> .
See <i>Richmond City</i> .
See <i>Fredericksburg</i> .
See <i>Port Royal Town</i> .
See <i>Guyandotte</i> .
See <i>Weaversville</i> .
See <i>Harrisonburg</i> .
See <i>Watsonstown</i> .
See <i>Winchester</i> .

TRADE AND MECHANIC ARTS.

Committee to be appointed, (rule 27,)	7
Quorum of committee, (rule 29,)	7
To appoint and discharge clerk, (rule 28,)	7
Committee appointed,	37
Resolution requiring committee to elect a clerk jointly with committee on banks,	48
Laid on table,	48
Clerk of committee discharged,	451

TRAININGS.

Resolution to change time for training officers,	50
Reported on,	92
Laid on table,	260
Resolution to pay militia officers at trainings,	65
Acted on,	102

TRANSPARENT SHADES.

Resolution to provide them,	92
-----------------------------	----

TREASURER.

Committee to examine his accounts, (rule 27,)	7
Quorum of committee, (rule 29,)	7
Committee appointed,	37
Report of joint committee acted on,	344 to 350
Resolution for his election,	167
Agreed to by senate,	182
Election made,	203
Report on office presented,	204

TREASURY.

Governor states condition of treasury,	10
--	----

TREASURY WARRANTS.

In register's office,	292
-----------------------	-----

TRESPASSES.

Resolution to define specifically the punishment of wilful trespasses,	103
Reported on,	149
Acted on,	287

TRIGONOMETRICAL SURVEY.

Plan submitted by superintendent of Virginia military institute,	420
Printed. Doc. No. 79.	
Bill providing for survey, (No. 473,)	354
Read twice and to be engrossed,	467
Laid on table; vote thereon,	491

TRUMBO, (JACOB,) and others.

Petition to pay Reuben Dove his account for teaching,	43
Reported on,	90
Acted on,	96

TRUST DEEDS.

Amendment to Code relative to preference of creditors by deeds of trust,	581
--	-----

TRUSTEES.

See *Fiduciaries*.See *Removal of Property*.

TURNPIKES.

See *County Subscriptions*.See *Hardy and Winchester Turnpike*.

Resolution to construct a road from Philippi to Buckhannon,	39
---	----

See *Philippi and Buckhannon Turnpike*.

Resolution for a road from Sandy river, by way of Logan courthouse, to Giles, Fayette and Kanawha turnpike,	113
---	-----

Resolution for road from Red Sweet springs, in Alleghany, to James river,	197
---	-----

Resolution to incorporate the Warrenton and Fauquier White Sulphur springs turnpike,	258
--	-----

See *Blue Ridge Turnpike*.See *Logan, Raleigh and Monroe Turnpike*.See *Dunkard Creek Turnpike*.See *Berryville and Charlestown Turnpike*.See *Kingwood and West Union Turnpike*.See *Fauquier and Alexandria Turnpike*.See *Front Royal Turnpike*.See *Front Royal and Valley Turnpike*.See *Sistersville and Salem Turnpike*.See *Moorfield and Alleghany Turnpike*.See *Moorfield and North Branch Turnpike*.See *Little Stone Gap Road*.See *Martinsburg and Winchester Turnpike*.See *New Market and Sperryville Turnpike*.See *Old Courthouse and Abingdon Turnpike*.See *Morgantown and Clarksburg Turnpike*.See *Smithfield, Charlestown and Harper's Ferry Turnpike*.See *Swift Run Gap Turnpike*.See *Howardsville and Rockfish Turnpike*.See *Harrisville Turnpike*.

- See *Knobly Valley Turnpike*.
 See *Northwestern Turnpike*.
 See *Orleans and Salem Turnpike*.
 See *Warrenton and Rappahannock Turnpike*.
 See *Staunton and James River Turnpike*.
 See *Hillsborough and Harper's Ferry Turnpike*.
 See *Tuxwell Courthouse and Fancy Gap Road*.
 See *Clarksburg and Philippi Turnpike*.
 See *Buchanan Turnpike*.
 See *Glenville Turnpike*.
 See *Buckhannon and Little Kanawha Turnpike*.
 See *Hampshire and Morgan Turnpike*.
 See *Charleston and Point Pleasant Turnpike*.
 See *Williamsport Turnpike*.
 See *Sweet and Salt Sulphur Springs Turnpike*.
 See *Thornton's Gap Turnpike*.
 See *Hardy and Winchester Turnpike*.
 See *Fishing Creek and Ice's Ferry Road*.
 See *Giles, Fayette and Kanawha Turnpike*.
 See *Wellsburg and Bethany Turnpike*.
 See *Clarksburg and Wheeling Turnpike*.
 See *Glenville and Charleston Turnpike*.
 See *Berkeley and Jefferson Turnpike*.
 See *Weston and Fairmont Turnpike*.
 See *Short Creek Turnpike*.
 See *Martinsburg and Potomac Turnpike*.
 See *Morgantown and Bridgeport Turnpike*.
- TURPENTINE.**
- See *Inspections*.
- TWELVE POLE RIVER.**
- Resolution for declaring it a highway, 39
 Bill declaring Beach fork public highway, (No. 54,) 92
 Read first time, 101
 To be engrossed, 104
 Passed, 108
 Passed by senate, 168
 Bill providing for its improvement, (No. 248,) 199
 Read first time, 352
 To be engrossed, 418
 Passed, 420
 Passed by senate, 453
- TYLER COUNTY.**
- Petition to declare Sancho creek a highway, 35, 235
 Petition to declare Point Pleasant and Elk forks highways, 235
 Petition for completion of Sistersville and Salem road, 154
 Resolution for a special law for roads for county, 101
 Bill extending provisions of road law of Brooke to Tyler and Wetzel, (No. 195,) 176
 Read first time, 295
 To be engrossed, 311
 Passed, 323
 Passed by senate, 333
- Resolution to change the separate election at Sistersville, 45
 Bill to change a separate election, (No. 22,) 73
 To be engrossed, 83
 Passed, 89
 Petition for a new county; laid on table, 483
- TYGART'S VALLEY RIVER.**
- Resolution for its survey, 303
 Laid on table, 461
- U
- UNION HOTEL COMPANY.**
- Bill to incorporate company in Winchester, (No. 462,) 334
 Read twice, to be engrossed, 466
 Passed, 485
- UNION MANUFACTURING COMPANY.**
- Resolution to incorporate it, 238
 Bill therefor, (No. 358,) 267
 Read first time, 425
 To be engrossed, 458
 Passed, 476
- UNITED STATES.**
- Resolution to transfer claim of Virginia for money advanced for public buildings at Washington to Orange and Alexandria railroad, 133
 Printed. Doc. No. 40.
 See *Alexandria*.
- UNIVERSITY OF VIRGINIA.**
- Comments of governor, 26
 Resolution to amend act relative to credits to students, 64
 Bill regulating and restraining credits to students, 97
 Read first time, 101
 Referred to committee on revision, 105
 Amendment to Code requiring the education of 32 young men free of cost; vote thereon, 637
- UPDEGRAFF, (JOSEPH.)**
- Resolution for voting him a sword, 119
 Referred to committee, 119
- USURY.**
- Governor recommends repeal of laws, 24, 25
 Referred, 33
 Reported on, 48, 280
 Laid on table, 358, 359
 Amendment to Code relative to rate of interest; vote thereon, 581, 582
 Further amendments, vote recorded, 592, 593
 Motion to allow Mr. Thompson further time to discuss amendment; vote recorded, 594
 Vote reconsidered and recorded, 594, 595
 Amendment making debtor witness to prove usury, votes thereon, 595, 596
 Vote on amendment, 596
 Amendment to Code to make the taking of illegal interest an indictable offence; vote thereon, 646, 647

V		
VACCINE AGENT.		
Report communicated by governor,	23	Printed. Doc. No. 48.
VAGRANTS.		Resolution for committee to attend examination and report on reconstruction of buildings; laid on table,
See <i>Poor.</i>		79, 80
VATTEMARE, (ALEXANDRE.)		Taken up; amended; laid on table,
Governor communicates his report upon international exchanges,	26, 27	85
Communication relative to international exchanges presented,	223	Petition of cadets for reconstructing their barracks,
Printed. Doc. No. 56.		119
His letter presenting to state geological map of France,	429	Communication from superintendent,
Letter relative to international exchanges, giving account of his agency,	470, 472	119
VENABLE, ANDERSON & FLOURNOY.		Printed. Doc. No. 39.
Their petition to abolish inspections of flour,	320	Bill making appropriation to erect new barracks, (No. 61,)
VENUE.		97
Resolution to amend Criminal Code to change venue in vacation,	41	Read first time,
Reported on,	74	101
Acted on,	82	Amendment offered,
VERMONT.		105
Act of legislature quoted for protection of personal liberty,	250	Laid on table,
VIRGINIA ARMORY SCHOOL.		Made order of day,
Bill to establish it, (No. 184,)	162	210, 220
Read first time,	295	Laid on table,
Laid on table,	312	218
Motion to take up; vote recorded,	420	Taken up and amended,
VIRGINIA CANNEL COAL COMPANY.		235
Resolution to incorporate it,	33	Motion to postpone indefinitely; vote recorded,
Bill incorporating it, (No. 4,)	52	236
Read first time,	54	Amendment; vote thereon,
To be engrossed,	58	236
Laid on table,	67	To be engrossed,
Reconsidered and recommitted,	139	105
Reported with amendment,	150	Laid on table,
Laid on table,	181	108
To be engrossed,	235	Passed,
Passed,	264	114
Amended and passed by senate,	313	Passed by senate,
Amendment agreed to by house,	313	152
VIRGINIA COLONIZATION SOCIETY.		Leave to bring in bill to enlist musicians for institute,
Resolution to allow them use of hall of house,	227, 281	413
VIRGINIA HISTORICAL AND PHILOSOPHICAL SOCIETY.		Bill brought in, (No. 496,)
Use of hall granted them for their annual meeting,	46	413
VIRGINIA AND MARYLAND BRIDGE COMPANY.		Read twice, to be engrossed,
Bill to authorize subscription to it, (No. 481,)	377	467
Read twice, to be engrossed,	467	Copy of journals, reports and documents to be given it,
Passed,	491	379
Passed by senate,	505	VIRGINIA MILITARY LAND WARRANTS.
VIRGINIA MILITARY INSTITUTE.		Resolutions to obtain satisfaction from congress therefor,
Report of visitors communicated by governor,	26	267
Referred,	44	Agreed to by senate,
Report of semi-annual examination of cadets presented and printed,	176	280
		VIRGINIA NAVIGATION COMPANY.
		Bill brought in, (No. 418,)
		302
		Read twice, to be engrossed,
		465
		Passed,
		VIRGINIA AND NEW YORK STEAM PACKETS.
		Leave to bring in bill to incorporate company,
		297
		Brought in, (No. 409,)
		297
		VIRGINIA REGIMENT OF VOLUNTEERS.
		Comments of governor,
		29
		Petition of officers of company F.,
		62
		Resolution to exempt officers and privates from military duty,
		64, 216
		Laid on table,
		259
		Bill concerning them, (No. 43,)
		84
		To be engrossed,
		101
		Laid on table,
		104
		Reconsidered, amended and again engrossed,
		167
		Passed,
		180
		Amended and passed by senate,
		446
		Amendments agreed to by house,
		446

VIRGINIA AND TENNESSEE RAILROAD.	
<i>See Lynchburg and Tennessee Railroad.</i>	
Passed by senate,	437
Motion for leave to bring in bill to explain act concerning road; laid on table; vote recorded,	522
Leave to bring in bill to amend act subscribing to stock of company,	652
Bill brought in, (No. 530,)	653
Read three times and passed; vote recorded,	653
VIRGINIA TELEGRAPH COMPANY.	
Resolution to incorporate it,	234
Bill incorporating it, (No. 473,)	354
Read twice, to be engrossed,	465
Passed,	486
Amended and passed by senate,	497
Amendments agreed to by house,	497
VOLUNTEERS.	
<i>See Virginia Regiment of Volunteers.</i>	
Resolution to vote swords to officers,	85
Resolution to authorize fines to be collected by constables,	166
Laid on table,	259
Bill concerning them, (No. 57,)	92
Read first time,	101
To be engrossed,	105
Passed,	108
Passed by senate,	472
Amendment to Code relative to number of musters of volunteers; vote thereon,	571, 572
Amendments relative to enrolment by volunteers of contributing members exempt from duty,	572
Amendment relating to extra musters of volunteers,	572
Action of both houses on said amendments,	602, 603
VOTES.	
Members not to vote when interested, (rule 7,)	4
Nor unless present, (rule 7,)	4
Majority to decide, (rule 9,)	4
Ayes and noes, how called, (rule 12,)	5
Division of house, how required and taken, (rule 37,)	6
Joint votes; how taken, (rule 44,)	9
<i>See Joint Votes.</i>	
<i>See Subjects on which votes are taken.</i>	
After affirmative taken, in order to call for ayes and noes; decision appealed from and sustained; vote recorded,	382
VOTING.	
Resolution to impose taxes to qualify voters,	79
Resolution to make it an indictable offence to give or receive consideration for voting,	118
Committee discharged,	327
<i>See Suffrage, (Right of.)</i>	
W	
WAGES.	
Members successful in contested elections entitled to pay, (rule 36,)	8
WAGGONER, (ANDREW.)	
Resolution to vote him a sword,	118
Bill therefor, (No. 98,)	156
Read second time,	130
To be engrossed,	132
Passed; title amended,	181
WAINWRIGHT, (THOMAS,) heirs.	
<i>See Morton, (Mary.)</i>	
WALKE, (EDWIN.)	
Petition to rescind right of dower of his wife,	152
Reported on,	156
Acted on,	238
WALKER, (ROBERT J.)	
Received by legislature; addressed by speaker and responded thereto,	422
WALSH, (ROBERT.)	
Resolution to authorize him to pay taxes,	186
Bill therefor, (No. 318,)	233
Read first time,	424
To be engrossed,	452
Passed by senate,	422
WARD, (DANIEL.)	
Appointed sergeant at arms,	4
WARD, (WILLIAM.)	
Petition to establish a store without a license,	168
Laid on table,	365
WARING, (ROBERT P.)	
Petition to change wharfage fees,	238
Bill concerning his wharf, (No. 476,)	354
Read twice; to be engrossed,	467
Passed,	486
Passed by senate,	495
WARRANTS.	
Amendment to Code as to what constable may serve a warrant or execution,	580
Amendment relative to increasing jurisdiction of justice on warrants for small claims; vote recorded,	580
WARRENTON.	
Leave to bring in bill concerning the town,	540
Bill brought in, (No. 526,)	540
Read thrice and passed,	540
Passed by senate,	540
WARRENTON AND FAUQUIER WHITE SULPHUR SPRINGS TURNPIKE COMPANY.	
Resolution to incorporate company,	258
WARRENTON AND RAPPAHAN-NOCK TURNPIKE.	
Bill to incorporate it, (No. 405,)	297
Read twice; to be engrossed,	464
Passed,	478
Passed by senate,	495
WARWICK COUNTY.	
Petition to amend oyster laws,	77
Laid on table,	483
<i>See Oysters.</i>	
WASHINGTON COUNTY.	
Writ of election issued,	76
Petition for separate election,	217, 238
Laid on table,	483
WASHINGTON MONUMENT.	
Petition of Historical society relative thereto,	235

Referred to committee, Printed. Doc. No. 63.			
Bill providing for its erection, (No. 405,)	297	WEIGHMASTER OF STOCK.	
Read first time,	297	His report communicated by governor,	23
To be engrossed and made order of day,	325	WEIGH AND MEASURE MASTER.	
Passed,	328	Resolution to create office,	199
Passed by senate,	329	Reported on,	220
Bill to amend act for erecting monument, (No. 472,)	339	Laid on table,	368
Passed,	386	WEIGHING.	
Passed by senate,	445	Resolution to regulate weighing and measuring grain and seeds,	281
WATSONTOWN.		See <i>Grain or Seeds.</i>	
Petition for additional land,	179	WEIGHTS AND MEASURES.	
Bill concerning it, (No. 211,)	185	Report of superintendent stated by governor,	23
Read first time,	296	Referred,	67
To be engrossed,	311	Resolution relative to supplying counties with uniform standard,	98
Laid on table,	322	Bill concerning it, (No. 282,)	220
Passed,	324	Read first time,	374
Passed by senate,	445	Amended and to be engrossed,	430
WATTS, (MARTHA.)		Passed,	442
Bill for her relief, (No. 76,)	111	WELLSBURG AND BETHANY TURNPIKE.	
To be engrossed,	111	Bill to incorporate it, (No. 374,)	276
Passed,	116	Read first time,	426
Passed by senate,	313	To be engrossed,	462
WATTS, (SAMUEL.)		Passed,	477
Petition for a manufacturing company,	142	Passed by senate,	489
Voted for as governor,	60	WELLSBURG DIVISION SONS OF TEMPERANCE.	
WATTS, (WILLIAM,) and others.		Petition to incorporate society,	179
Petition to sell property of Martha Watts,	104	Reported on,	259
WAYNE COUNTY.		Laid on table,	360
Petition relative to seat of justice,	298	WEMELDORF, (ISAAC.)	
Remonstrance against removal,	298	Petition for compensation as a juror,	87
Sense of people taken on removing seat of justice, (bill No. 450,)	329	Reported on,	153
Read twice and to be engrossed,	442	Acted on,	287
Passed,	449	WESTERN LANDS.	
Amended and passed by senate,	560	Resolution to authorize purchasers of delinquent lands to obtain deeds,	73
Amendments agreed to by house,	561	Reported on,	84
Resolution to change time of holding county court,	128	Acted on,	89, 90
Bill therefor, (No. 112,)	135	WESTERN LAND TITLES.	
To be engrossed,	210	Resolution to amend act concerning them,	109
Passed,	214	Bill to amend and explain act, (No. 143,)	149
Passed by senate,	296	Read first time,	293
Petition to change boundary between it and Cabell,	339	Amended and to be engrossed,	309
Laid on table,	483	Laid on table,	314
Petition to improve navigation of Twelve Pole river,	35	Rejected,	439
Petition to remove obstructions in Sandy river,	298	Bill concerning them, (No. 460,)	332
Petition for a road from forks of Sandy to Kanawha turnpike,	550	Committed to committee on revision,	443
See <i>Ferries.</i>		Amendment to Code relative to forfeiture for failing to have them surveyed, &c.; vote,	575, 576
WAYNESBOROUGH.		Amendment relative to redemption and forfeiture of lands sold for taxes; vote recorded,	590, 591
Petition for a savings bank,	303	Action of both houses on amendments relative to surveying lands and their forfeiture for failing; vote thereon,	659
WEADON, (JOHN.)		WESTERN LUNATIC ASYLUM.	
Petition for compensation for listing dogs in Loudoun,	99	Committee to be appointed, (rule 27,)	7
WEAVERSVILLE.		Quorum of committee, (rule 29,)	7
Resolution to incorporate town,	273	Committee appointed,	37
Petition for an act of incorporation,	304	See <i>Lunatic Asylums.</i>	
Reported on,	334		
Laid on table,	363		

WESTERN TELEGRAPH COMPANY.

Leave to report bill to incorporate company,	151
Bill to incorporate it, (No. 166,)	156
Read twice and to be engrossed,	156
Passed,	161
Passed by senate,	161

WESTLAKE, (J. B.)

Petition for compensation as extra guard to a prisoner,	69
Laid on table,	423

WESLEYAN FEMALE INSTITUTE.

Leave to bring in bill to incorporate it,	332
Bill brought in, (No. 467,)	334
Read twice, to be engrossed,	466
Passed,	486
Passed by senate,	496

WEST MILFORD.

Petition to incorporate Weston and Fairmont turnpike,	151
Committee discharged and petition referred to Board of public works,	154

WESTON ACADEMY.

Resolution to report bill for loaning to it proceeds of sales of delinquent lands in Lewis,	159
Reported on,	190
Acted on,	327

WESTON AND FAIRMONT TURN-PIKE.

Resolution to increase capital of company,	122
Bill to incorporate it, (No. 396,)	285
Read twice, to be engrossed,	464
Passed,	478
Passed by senate,	489

WETZEL COUNTY.

Petition for a railroad from Fishing creek to the Monongahela,	94
Resolution to change time of holding county court,	118
Bill therefor, (No. 128,)	143
Read first time,	293
To be engrossed,	305
Passed,	309
Passed by senate,	319
Resolution for a special road law,	101
Bill to extend road law of Brooke to Tyler and Wetzel counties, (No. 195,)	176
Read first time,	295
To be engrossed,	311
Passed,	323
Passed by senate,	333

WHARVES.

Leave to bring in bill relative to Garlick's wharf in New Kent,	328
Bill brought in, (No. 454,)	330
Read twice, to be engrossed,	466
Passed,	485
See <i>Waring, (Robert P.)</i>	
See <i>Wilson, (Samuel.)</i>	
See <i>Taylor, (Edward T.)</i>	

WHEELING.

Leave to withdraw petition of citizens relative to road from Wheeling to Clarksburg,	42
Again presented,	42

Leave to withdraw memorial of board of trade on same subject,	42
Again presented,	42
Petition of board of trade,	298
Petition to protect banks against brokers,	187, 200, 217, 268
Reported on,	217
Recommitted,	314
Laid on table,	438
Petition of board of trade to construct a turnpike from Wheeling to Clarksburg,	217
Petition to authorize council to subscribe to stock of certain railroads,	145
Laid on table,	483
Petition to amend district public school system,	134, 135
Petition of bar, for amendments to law regulating attachments against steamboats navigating Ohio river,	117
Petition for election precincts, reported on,	233
Laid on table,	360
Petition to amend law to regulate collection of public revenue,	324
Petition to incorporate Sons of Temperance,	88
Reported on,	259
Laid on table,	360

WHEELING AND BELMONT BRIDGE COMPANY.

Petition to amend charter of company,	157
Reported on,	284
Recommitted,	304
Petition laid on table,	437

WHEELING FIRE COMPANIES.

Petition to be exempt from jury duty,	81
---------------------------------------	----

WHEELING MASONIC HALL ASSOCIATION.

Resolution to incorporate it,	184
Reported on,	284
Laid on table,	361

WHEELING SAVINGS BANK.

Resolution to incorporate it,	134
Bill to incorporate it, (No. 338,)	260
Read first time,	425
To be engrossed,	452
Passed,	473
Passed by senate,	482

WHITE HALL MINING COMPANY.

Leave to bring in bill to amend its charter,	319
Bill brought in, (No. 440,)	319
Read twice, to be engrossed,	466
Amended and passed,	484

WHITLY, (ROBERT.)

Petition to be paid for teaching poor children,	47
Reported on,	319
Laid on table,	365

WHITE SULPHUR SPRINGS.

Resolution to hold adjourned session there,	297
Indefinitely postponed,	297
Resolution to adjourn legislature to meet there; laid on table,	515

WHITE SULPHUR SPRINGS STAGE COMPANY.

Resolution to establish line of stages between springs and Louisa railroad,	53
Reported on,	233
Leave to bring in bill to incorporate company,	497
Bill brought in, (No. 522,)	497
Read twice and rejected,	497
Vote thereon,	497

WHITING, (SUSAN D.)

Resolution to allow her account,	207
Document to support it,	207
Reported on,	219
Acted on,	358

WHITNEY, (ASA.)

Resolution relating to his plan of railroad from Atlantic to Pacific,	230
Committee appointed,	230
Use of hall allowed him for address on railroads,	207
His project for a railroad from Atlantic to Pacific; action thereon,	260, 261
Postponed indefinitely; vote recorded,	262, 263

WILD CATS.

See *Cats.*

WILY, (JOHN F.)

Elected councillor,	265, 266
---------------------	----------

WILLIAMSBURG ACADEMY.

Leave to bring in bill to incorporate trustees,	385
Bill brought in, (No. 495,)	412
Read twice, to be engrossed,	467
Passed,	491
Passed by senate,	505

WILLIAMS, (JOHN C.)

Petition to incorporate the Piney run iron factory,	43
---	----

WILLIAMSPORT TURNPIKE.

Bill to incorporate company, (No. 353,)	266
Read first time,	425
To be engrossed,	458
Passed; vote recorded,	475
Passed by senate,	489

WILLIAMS, (SARAH W.)

Petition for a divorce,	160
Bill to divorce her, (No. 190,)	176
Read first time,	295
To be engrossed,	311
Laid on table,	322
Passed,	325
Amended and passed by senate,	377
Amendment agreed to by house,	377

WILLS.

Resolution to repeal act of 1848 concerning wills, &c.	310
Reported on,	199
Amendment to Code relative to wills,	574, 575

WILMOT PROVISIO.

Comments of governor,	29
Resolution to refer part of governor's message relative thereto,	56
Committee appointed,	56
Report of select committee,	100
Laid on table and printed,	100

Doc. No. 32.

Mr. Scott submits amendment to resolutions; laid on table,	110
Printed. Doc. No. 38.	

Mr. Conway's resolutions relative to it and slavery,	136, 137
Joint committee to be appointed; vote thereon,	138
Amendment of Mr. Syme,	138
Resolution for joint committee,	138
Amended and agreed to by senate,	140
Committee appointed,	140

Mr. Syme's resolution ordered to be referred,	142
Report of joint committee presented,	145

Taken up; substitute offered by Mr. Syme,	148, 152
---	----------

Discussed,	155, 158, 161
------------	---------------

Amendments offered,	161
---------------------	-----

Resolution to terminate debate,	163
---------------------------------	-----

Amendment offered thereto,	163
----------------------------	-----

Laid on table,	163
----------------	-----

Question again discussed,	165
---------------------------	-----

Discussed,	168
------------	-----

Second resolution to stop debate,	169
-----------------------------------	-----

Motion to amend,	169
------------------	-----

Previous question called,	169
---------------------------	-----

Motion to lay on table; negatived; vote recorded,	169, 170
---	----------

Previous question on amendment; amendment agreed to,	170
--	-----

Report of joint committee inserted on journal,	171, 172
--	----------

Amendment proposed by Mr. Thomas,	172
-----------------------------------	-----

Negatived; vote recorded,	173, 174
---------------------------	----------

Amendment of Mr. Syme; negatived; vote recorded,	174
--	-----

Motion of Mr. Watson to amend; vote thereon,	174, 175
--	----------

Question on report of committee; previous question called and sustained; vote,	175
--	-----

Motion to print report; negatived,	175, 183
------------------------------------	----------

Resolutions agreed to by senate,	182
----------------------------------	-----

Resolution of Mr. Yerby, containing proceedings of people of Northampton,	170
---	-----

Laid on table,	170
----------------	-----

Report and resolutions of South Carolina communicated by governor,	276
--	-----

To be printed. Doc. No. 67.	
-----------------------------	--

Resolutions of Northumberland county relative thereto,	440
--	-----

WILSON, (ELIZA J.)

Petition to cut timber on land of her ward,	188
---	-----

WILSON, (JOSIAH C.)

Resolution for a wharf on his land,	40, 100
-------------------------------------	---------

WILSON'S WHARF.

Bill to authorize its construction, (No. 28,)	74
---	----

Read first time,	83
------------------	----

To be engrossed,	89
------------------	----

Passed,	95
---------	----

Passed by senate,	140
-------------------	-----

Bill concerning it, (No. 477,)	354
--------------------------------	-----

Read twice, to be engrossed,	467
------------------------------	-----

Passed,	491	WISCONSIN.	
Passed by senate,	505	Governor transmits resolutions relating to slavery and slave trade,	432, 433
WILSON, (LEROY M.)		Laid on table,	434
Bill for his relief, (No. 233,)	195	Resolution to return resolutions; vote recorded,	434
Read first time,	351	WITHERS & PICKETT.	
To be engrossed,	387	Bill concerning them, (No. 102,)	128
Passed,	413	To be engrossed,	181
Passed by senate,	445	Passed,	209
WIMBISH, (J. & L. W.)		Passed by senate,	275
Petition withdrawn for ferry and re-presented,	35	WITNESSES.	
Documents presented,	69	May be examined to preserve testimony, (rule 39,)	8
Reported on,	158	Privileged from arrests, (rule 40,)	8
Recommitted to select committee,	235	Pay secured to ensure attendance, (rule 40,)	9
Committee announced,	235	Tampering with, how punished, (rule 41,)	9
Mr. Whittle excused from serving on committee,	238	Resolution to authorize clerks of courts to issue subpoenas in criminal cases,	41, 115
WINCHESTER.		Reported on,	146
Resolution to amend charter of town,	144	Laid on table,	289
Bill to amend charter of town, (No. 171,)	158	Resolution to allow them mileage for travelling over ten miles,	124
Read first time,	294	Reported on,	146, 153
To be engrossed,	311	Acted on,	287
Passed,	321	Resolution relative to taking depositions of those residing at a distance,	93
Amended and passed by senate; amendments agreed to by house,	334	Resolution to provide for taking depositions upon notice to counsel, where parties are non-residents,	154
Petition to incorporate the Union Hotel company,	188	Acted on,	288
WINCHESTER AND HARPER'S FERRY TELEGRAPH COMPANY.		Resolution to make persons jointly indicted witnesses for and against each other,	113
Resolution to incorporate it,	183	Bill making joint defendants in indictments witnesses, (No. 167,)	158
Bill to incorporate it, (No. 212,)	185	Read first time,	294
Read first time,	326	To be engrossed,	312
To be engrossed,	386	Laid on table,	314
Passed,	412	Resolution to amend 16th section of 15th chapter of Criminal Code,	53
Amended and passed by senate,	453	Resolution to compel their attendance before commissioners of railroads,	178
Amendments agreed to by house,	454	Bill therefor, (No. 199,)	182
WINTERPOC MANUFACTURING COMPANY.		Read first time,	295
Resolution to revive its charter,	115	Amended and to be engrossed,	355, 356
Bill to renew its charter, (No. 151,)	150	Passed,	386
Read first time,	204	Passed by senate,	445
To be engrossed,	306	WIVES.	
Passed,	310	Resolution to protect their property from debts of husbands,	50
Amended and passed by senate, and amendments agreed to by house,	334	See <i>Married Women.</i>	
WIRT COUNTY.		Amendment to Code relative to their acknowledgment of deeds,	574
Bill relative to seat of justice, (No. 72,)	111	As to number of justices therefor,	574
To be engrossed,	116	See <i>Married Women.</i>	
Passed,	121	WOLVES.	
Amended and passed by senate; amendments agreed to by house,	337	Resolution for protecting those engaged in destroying wolves in Hardy,	57
Resolution to change separate election, (No. 236,)	196, 351, 414, 418, 459	Bill to protect persons engaged in killing wolves in Hardy, (No. 238,)	196
Petition therefor,	43	Read first time,	351
Bill authorizing separate election, (No. 23,)	74	To be engrossed,	414
To be engrossed,	83	Passed,	418
Passed,	89		
Passed by senate,	149		
Petition for a separate election at house of John F. Petty,	135		
Bill to change place of separate election, (No. 236,)	196, 351, 414, 418, 459		
Bill to authorize one at John F. Petty's house, (No. 239,)	196, 351, 414, 417, 460		
Petition for a new county,	123		

43

